

5. EASEMENT DETAILS

The Easement Details panel shows easement information. Easement details must be shown in a table format under the following headings:

- STATUS
- LAND BURDENED
- FORM
- CATEGORY
- IDENTIFIER
- PURPOSE
- IN FAVOUR OF
- CREATION

DEFINITION OF TERMS (EASEMENT DETAILS)

Term	Meaning
Easement	A right to use a portion of land for a specific purpose. An easement generally provides a service.
Servient Land	Land subject to an easement (Land burdened).
Dominant Land	Land with the benefit to use an easement (In favour of).
Dominant Authority	A body entitled by legislation to be the benefiting party of an easement (usually not appurtenant to land).
Service Easement	An easement created as a condition of planning approval and vests in favour of either: Water Industry Entity, Council, Crown or Electricity Entity. The vesting occurs pursuant to Section 223LG of the Real Property Act 1886 or the Community Titles Act free of cost upon deposit of a plan of division or community division.
Short Form Easement	Section 89A of the Real Property Act 1886 provides for a short form description to be used on a plan and title. Where used, the short form wording incorporates the corresponding long form description of that easement as set out in the 6th Schedule of the Real Property Act 1886
Long Form Easement	An easement that is neither a service easement nor short form easement. The exact description of the easement is set out in full in the documentation creating the easement.
Free and Unrestricted Right of Way	Section 89 of the Real Property Act 1886 provides for a short form description of a free and unrestricted right of way to be used on a plan and title. Where used, the short form wording incorporates the corresponding long form description of a right of way as set out in the 5 th Schedule of the Real Property Act 1886.
Right of Way	A right of way provides access, but may contain specific conditions or covenants set out in the documentation creating the right.
Private Easement	Easements other than service easements are referred to as private easements. Consents by the affected parties will appear in the creation documentation.
Easement in Gross	A title for an easement that is not appurtenant to land but benefits a dominant authority, or a body capable of holding an easement in gross pursuant to Section 41A of the Law of Property Act 1936
Prescribed Public Utility	A Minister, statutory authority or other person declared by regulation to be a prescribed public utility under the Roads (Opening and Closing) Act 1991
Profit A' Prendre	A right to go on another person's land and take away something of value from it's soil or from the products of it's soil.

5.1 General Requirements

Easements, rights of way and free and unrestricted rights of way are generally referred to as Easements for the purpose of this documentation.

When describing an Allotment an Alpha Identifier in a plan either in or on can be used.

5.1.1 Easements must be shown in the Easement Details panel where:

- Existing easements are shown on the certificate of title.
- Existing easements are to be varied or extinguished.
- New easements are to be created.

5.1.2 Only one easement row note is to be shown in the easement details where the servient and dominant land exists within the bold black lines.

5.1.3 Where an easement is being created/varied and the dominant and servient land is contiguous, the dominant land must be included within the plan, except where the dominant land is a parcel in either a Strata or Community Plan.

5.1.4 Where an easement is being created/varied and the dominant and servient land are not contiguous the dominant land does not need to be shown on the plan. The title reference(s) of the dominant land must be shown under Other Titles Affected.

5.1.5 The dominant existing easement(s) must be shown on the plan unless the easement(s) is not contiguous with the servient land and an existing plan delineating the dominant easement(s) can be referred to.

5.1.6 An easement certification is required where existing easements are depicted with data on a new plan and the creation document did not show enough data to fix the easement. Refer to [Table 3.1 – Certification Decision Table](#)

An annotation note will also be required to show how the surveyor determined the position of the easement. Refer to [Table 6.1 – Annotation Format Table](#).

5.1.7 The combination of LAND BURDENED, IDENTIFIER and IN FAVOUR OF columns can only contain one field with multiple entries, eg 2.3.5 or A.B.C (see [Example 5.1](#)).

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	2.3.5	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES		RTC 8993653
NEW	1	SHORT	EASEMENT(S)	A.B.C	FOR DRAINAGE PURPOSES	2	
EXISTING	10	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	11.12.13	RTC 8993653

Example 5.1

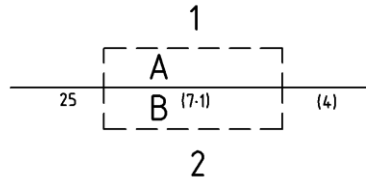
5.1.8 A parcel is to be identified by its numeric number and estate type, eg. 101 (RESERVE) or 103 (SMITH ROAD) or 13 (DEVELOPMENT LOT).

5.1.9 Where fields in the Easement Details panel are required (in accordance with the Easement Decision Tables) the required fields must contain valid characters. Field data inferred by “ditto” references from preceding data are not acceptable.

5.1.10 Where required to be shown, the land description must be shown in the format: 6 IN D45632 where:

- 6 represents the parcel number or easement identifier,
- D is the plan prefix, and
- 45632 is the plan number

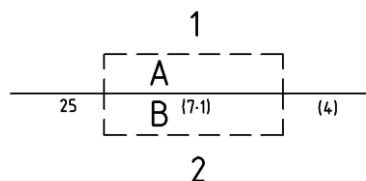
5.1.11 Easement(s) must be held appurtenant to a dominant parcel(s) of land or an acceptable dominant authority. However, Party Walls differ as the rights of a Party Wall are reciprocal. Reciprocal means that only A would have rights over B and B over A.



EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	1	SHORT	EASEMENT(S)	A	PARTY WALL RIGHTS	B	
NEW	2	SHORT	EASEMENT(S)	B	PARTY WALL RIGHTS	A	

Example 5.2

Where Dual access is required the easement should not be reciprocal, as portion of Allotment 1 marked A is to be subject to a right of way appurtenant to the whole of Allotment 2 and similarly portion of Allotment 2 marked B is to be subject to a right of way appurtenant to the whole of Allotment 1.



EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	1	LONG	RIGHT(S) OF WAY	A	ACCESS	2	
NEW	2	LONG	RIGHT(S) OF WAY	B	ACCESS	1	

Example 5.3

5.2 Service Easements

- 5.2.1 Service easements for electricity supply purposes must not exceed 10 metres in width.
- 5.2.2 Service easements cannot be created in a Filed Plan, Strata Plan or have a STATUS of PROPOSED in a Division Plan.
- 5.2.3 Service easements can be created over land that is redesignated in a plan. The STATUS of the service easement must be shown as NEW.
- 5.2.4 Where a service easement is limited in height the height limitation must be fixed by reference to the Australian Height Datum.

5.3 Status

- 5.3.1 The status of easements must be shown in the STATUS column in the following order:
 - EXTINGUISH
 - EXISTING

- VARY FROM
- VARY TO
- NEW
- PROPOSED (easements not forming a condition for plan deposit)

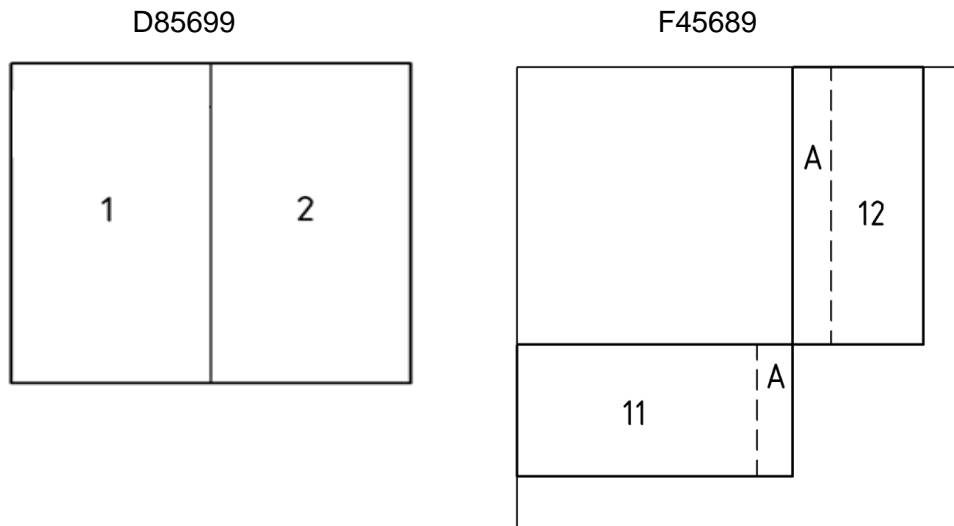
5.4 Land Burdened

A description of the servient land (land subject to the easement) must only be shown in the LAND BURDENED column where:

- Servient land is inside the bold black lines. See [Table 5.1](#).
- Servient land is outside the bold black lines and easement(s) are being created, varied or extinguished. See [Table 5.1](#).
- The dominant existing easement(s) are extensive or physically separated from the servient land and an existing plan delineating the dominant rights can be referred to.

If the plan delineating the dominant land has other portions with the same easement identifier, to uniquely identify the easement in this case the parcel identifier must be added to the LAND BURDENED. See the example below.

This is an example of a division plan, D85699 creating Allotments 1 and 2 which have a dominant easement over A in Allotment 12 delineated on F45689. Because Allotments 1 and 2 are physically separated from easement A in Allotment 12, A does not need to be shown on D85699. As F5689 has other portions of land with the same easement identifier the easement can only be uniquely identified by adding the parcel identifier to the LAND BURDENED.



EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	12 IN F45689		SHORT EASEMENT(S)	A IN F45689	FOR DRAINAGE PURPOSES	1.2	TG5623265

Table 5.1 - Land Burdened Description Decision Table

Method of Description	Scenario
PARCEL NUMBER (eg 10)	<ul style="list-style-type: none"> • Servient land is inside the bold black lines.
TITLE REFERENCE (eg CT 5112/89)	<ul style="list-style-type: none"> • Only show a title reference where the servient land is affected by the creation, variation or extinguishment of an easement AND is outside the bold black lines.
LAND DESCRIPTION (eg 101 IN D47854)	<ul style="list-style-type: none"> • Only show a land description where the servient land is affected by the creation, variation or extinguishment of an easement AND is outside the bold black lines. • Portions of land are specifically referred to during variation or extinguishment of internal easements – see “Now Contained In” • Multiple parcels within the bold black lines exist with the same parcel identifier, eg: 6 IN F112456 and 6 IN D45568. • Multiple parcels outside the bold black lines exist with the same parcel identifier and the existing easement(s) are extensive or physically separated.

5.4.1 Where the servient land to an existing easement exists both within and outside the bold black lines, the description must be shown in the format: 12.13.14 (AND OTHER LAND).

5.5 Form

5.5.1 The type of easement must be shown in the FORM column in accordance with [Table 5.2](#).

Table 5.2 - Easement Form Decision Table

Type of Easement	Shown in the Form Column
SERVICE EASEMENT (s.223LG of the RPA)	SERVICE
SHORT FORM EASEMENT (5th & 6th schedule of the RPA)	SHORT
LONG FORM EASEMENT (purpose set out in the document)	LONG

5.6 Category

5.6.1 The category of easement must be shown in the CATEGORY column in accordance with the criteria set out in the following tables:

Table 5.7 – New and Proposed Easement Decision Table

Table 5.8 – Existing Easement Decision Table

Table 5.9 – Extinguishment and Variation Easement Decision Table

5.6.2 One of the following categories of easements must be shown:

- EASEMENT(S)
- EASEMENT(S) WITH LIMITATIONS
- FREE AND UNRESTRICTED RIGHT(S) OF WAY
- FREE AND UNRESTRICTED RIGHT(S) OF WAY WITH LIMITATIONS
- RIGHT(S)
- RIGHT(S) WITH LIMITATIONS

- RIGHT(S) OF WAY
- RIGHT(S) OF WAY WITH LIMITATIONS
- RIGHT(S) AND EASEMENT(S)
- RIGHT(S) AND EASEMENT(S) WITH LIMITATIONS
- RIGHT(S) OF WAY AND EASEMENT(S)
- RIGHT(S) OF WAY AND EASEMENT(S) WITH LIMITATIONS
- RIGHT(S) AS MAY HAVE BEEN GRANTED
- CERTAIN RIGHT(S) AND LIBERTIES

5.6.3 Category types must be shown in plural (eg: EASEMENT(S)) even if only one easement exists.

5.7 Identifier

5.7.1 Easement identifiers must be shown in the IDENTIFIER column.

5.7.2 Easements over the whole of parcel require an alpha identifier.

5.7.3 Where practical, the same easement identifiers must be retained from the title and prior plan.

5.7.4 Where practical, new easement identifiers must begin from A. The use of letters I and O must not be used for an easement identifier.

5.7.5 Double alpha identifiers (eg. AA, AB and AC etc) may be used to identify easements when there are no more single alpha identifiers available for use on the plan.

5.7.6 Easement identifiers must be shown for each parcel (a single easement identifier arrowed out for multiple parcels must not be used).

5.7.7 Where easements for a different purpose cross or intersect the land, a combination of each easement identifier (eg. A/B) must be used to identify the common land.

5.7.8 Where practical, land shown as an easement must be identified with one alpha identifier, regardless of how many easements that land is subject to (eg: A).

5.7.9 The identifier (T/F) must only be shown after an alpha identifier, (eg. H(T/F)). (The identifier (T/F) is reserved for service easements for electricity supply created on a plan of division and community plans).

5.7.10 When creating easement(s) (eg a Status of New or Proposed) different easement identifiers must be used for each easement over separate parcels except for the following instances when a single identifier must be used:

- Where the easement is a service easement (eg. created by 223LG RPA)
- Where the easements are for different purposes but over the exact same portion of land (unless the easement identifier includes (T/F)).
- Easement in gross title is to issue in the name of an authority see Sec 5.53 - Bodies entitled to hold an Easement in Gross

Case Study 5.2 is an example where private easements are created (eg. Status of New or Proposed) appurtenant to dominant land and separate identifiers are used.

Case Study 5.6 is an example where a parcel has numerous dominant easement rights created by different documents and separate identifiers are used.

Table 5.3 – Variation and Extinguishment IDENTIFIER Column Format Table

Method of Description	Scenario
B	Easement to be varied or extinguished is uniquely identified
A on D56897	Easement to be varied or extinguished can only be uniquely identified by reference to the prior description. Easement varied is extensive or not contiguous and must be identified by reference to a prior plan.
C in 2	An easement to be varied or extinguished exists in multiple parcels within the same plan and has the same identifier, but the easement is to be extinguished over one of the parcels only. Allotment 2 refers to a parcel within the bold black lines
SHOWN AS EASEMENT ON CT 4512/87	The easement to be varied or extinguished has not been shown on a plan before and not shown with an alpha identifier on the title
SHOWN AS RIGHT OF WAY ON CT 3572/80	The right of way to be varied or extinguished has not been shown on a plan before and not shown with an alpha identifier on the title

5.8 Purpose

- 5.8.1 Where applicable, the purpose of the easement must be shown in the PURPOSE column in accordance with the criteria set out in the following tables:

Table 5.7 – New and Proposed Easement Decision Table

Table 5.8 – Existing Easement Decision Table

Table 5.9 – Extinguishment and Variation Easement Decision Table

- 5.8.2 For new easements and existing short form easements (identified by a purpose shown in the easement note on the title), one of the following short form purposes may be shown.

Note: If an existing easement has no purpose shown in the easement note on the title, then no purpose is to be shown on the new plan when that easement is to be carried forward.

For EASEMENT(S) OR EASEMENT(S) WITH LIMITATIONS:

- FOR SEWERAGE PURPOSES
- FOR WATER SUPPLY PURPOSES
- FOR DRAINAGE PURPOSES
- FOR GAS SUPPLY PURPOSES
- FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE
- FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE
- FOR THE TRANSMISSION OF TELEVISION SIGNALS BY UNDERGROUND CABLE
- FOR EAVES AND GUTTERS
- PARTY WALL RIGHTS
- FOR THE TRANSMISSION OF TELECOMMUNICATION SIGNALS BY UNDERGROUND CABLE
- FOR THE TRANSMISSION OF TELECOMMUNICATION SIGNALS BY OVERHEAD CABLE

- FOR SUPPORT
- TO PARK A VEHICLE

For RIGHT(S) OF WAY OR RIGHT(S) OF WAY WITH LIMITATIONS:

- ON FOOT

5.8.3 For new or proposed *long form easements*, a general purpose must be shown to indicate the general nature of the easement. The precise description of the easement will be set out in the documentation accompanying the plan prepared by the solicitor or conveyancer.

The general purpose must fit a CATEGORY:

The table below provides examples but is not a comprehensive list of common general purposes and their category.

CATEGORY	PURPOSE
RIGHT(S) OF WAY	ACCESS
	SAILING A VESSEL
	FOR FIREFIGHTING PURPOSES
EASEMENT(S)	LIGHT AND AIR
	MAINTENANCE OF EAVES
	MAINTENANCE PURPOSES
	DISCHARGING WATER
	ANTENNA PURPOSES
	WATER STORAGE
	PUMPING PURPOSES
	INSTALLING AND MAINTAINING AIR-CONDITIONING
	INSTALLING AND MAINTAINING PHONE TOWER
	FIRE EXIT PURPOSES
	FIRE HYDRANT PURPOSES
	FOR WATER SUPPLY FOR FIRE FIGHTING PURPOSES
	EXHAUST DUCT PURPOSES
	PIPELINE PURPOSES
CONSTRUCTION AND MAINTENANCE OF A WINDMILL	

5.8.4 A purpose is not shown for existing long form easements.

5.9 In Favour Of (Land)

A description of the dominant land (land benefiting from the easement) must only be shown in the IN FAVOUR OF column where:

- The dominant land is inside the bold black lines. See Table 5.4.
- The dominant land is outside the bold black lines and easement(s) are being created, varied or extinguished. See Table 5.4.

Table 5.4 – Dominant Land Format Decision Table for Existing Easements

Method of Description	Scenario
PARCEL NUMBER (eg 10)	<ul style="list-style-type: none"> • Dominant land is inside the bold black lines.
TITLE REFERENCE (eg CT 5112/89)	<ul style="list-style-type: none"> • Only show a title reference where the dominant land is affected by the creation, variation or extinguishment of an easement AND is outside the bold black lines.
LAND DESCRIPTION (eg 101 IN D47854)	<ul style="list-style-type: none"> • Only show a land description where the servient land is affected by the creation, variation or extinguishment of an easement AND is outside the bold black lines. • Portions of land are specifically referred to during variation or extinguishment of internal easements – see “NOW CONTAINED IN” • Multiple parcels within the bold black lines exist with the same parcel identifier, eg: 6 IN F112456 and 6 IN D45568.

- 5.9.1 Where the dominant land to an existing easement exists both within and outside the bold black lines, the description must be shown in the format: 12.13.14 (AND OTHER LAND).
- 5.9.2 Appurtenances must be shown in the format: 200 (marked X).
- 5.9.3 Multiple parcels with appurtenances must be shown in the format: 202.203 (ALL MARKED Y). 201.
Parcels 202.203 have an appurtenance marked Y, but 201 does not.
- 5.9.4 Where practical, new appurtenance identifiers must begin from X.

5.10 In Favour Of (Dominant Authorities)

- 5.10.1 Where a dominant authority is benefiting from the easement, the dominant authority must be shown in the IN FAVOUR OF column, in accordance with the criteria set out in the following tables:

Table 5.5 – Dominant Authority Decision Table for Easements

Table 5.7 – New and Proposed Easement Decision Table

Table 5.8 – Existing Easement Decision Table

Table 5.9 – Extinguishment and Variation Easement Decision Table

- 5.10.2 New easements must only refer to dominant authorities where an authority is entitled to hold an easement pursuant to:
- Section 223LG of the Real Property Act 1886 - Service easement
 - Section 41A of the Law of Property Act 1936 - Easement in gross
 - Any other Statute
- See [Table 5.11 - Bodies entitled to hold an Easement in Gross](#)
- 5.10.3 Dominant authority names for existing private easements must be shown only where the following requirements exist:
- The name exists in the easement clause on the certificate of title, and
 - That name appears in the Dominant Authority Decision Table for Easements (see Table 5.5 – Dominant Authority Decision Table for Easements)

All other dominant authority names shown on a certificate of title are not carried forward onto the new plan.

- 5.10.4 Where the name appears as a former name in the Dominant Authority Decision Table for Easements (see [Table 5.5 – Dominant Authority Decision Table for Easements](#), that name must be updated to the current name (eg: where Minister of Works is shown on the certificate of title, that name must be updated to The Minister for Infrastructure).
- 5.10.5 Where “ETSA” or any reference is made to “electricity” in a certificate of title easement clause, a title search of the current Easement In Gross title is required to determine if that name has vested in one of the following electricity entities:
- Distribution Lessor Corporation (subject to Lease 8890000)
 - Transmission Lessor Corporation of 1 undivided 2nd part (subject to lease 9061500) and Electranet Pty. Ltd. of 1 undivided 2nd part.
- 5.10.6 Council names must be shown as: THE COUNCIL FOR THE AREA
- 5.10.7 Dominant authority names must be shown in full and not abbreviated (eg: SA WATER CORP is not acceptable).
- 5.10.8 Where there is reference to Minister for Infrastructure in a Certificate of Title easement clause and the easement is to be varied or extinguished the current name of South Australian Water Corporation must be used.
- 5.10.9 Appurtenance identifiers starting from the end of the alphabet must be used.
- 5.10.10 The use of letters **I** and **O** must not be used for appurtenance identifier.

Table 5.5 - Dominant Authority Decision Table for Easements

Former Names	Current Names
	THE CROWN
	THE COUNCIL FOR THE AREA
	DISTRIBUTION LESSOR CORPORATION
	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)
Commissioner of Public Works Commissioner of Waterworks Commissioner of Water Conservation Commissioner of Sewers Minister of Public Works Minister of Works Minister of Water Resources Minister of Public Infrastructure	THE MINISTER FOR INFRASTRUCTURE
THE MINISTER FOR INFRASTRUCTURE	SOUTH AUSTRALIAN WATER CORPORATION only update if easement is varied or extinguished
Natural Gas Pipelines Authority of South Australia Pipelines Authority of South Australia	NATURAL GAS AUTHORITY OF SOUTH AUSTRALIA
	SOUTH AUSTRALIAN GAS CO. LTD.
	SOUTH AUSTRALIAN WATER CORPORATION
	TRANSMISSION LESSOR CORPORATION
	TRANSMISSION LESSOR CORPORATION OF 1 UNDIVIDED 2ND PART (SUBJECT TO LEASE 9061500) AND ELECTRANET PTY. LTD. OF 1 UNDIVIDED 2ND PART
The Adelaide Electric Supply Company Limited The Electricity Trust of South Australia. (A title search is required to determine if ETSA Corporation has vested in another name).	ETSA CORPORATION
<ul style="list-style-type: none"> • CKI Utilities Development Ltd. • PAI Utilities Development Ltd. - previously known as HEI Utilities Development Ltd. • Spark Infrastructure SA (No. 1) Pty. Ltd. - previously known as CKI Utilities Holdings Pty. Ltd. and CKI Utilities Holdings Ltd. • Spark Infrastructure SA (No. 2) Pty. Ltd. - previously known as CKI/HEI Utilities Distribution Pty. Ltd. and CKI/HEI Utilities Distribution Ltd. • Spark Infrastructure SA (No. 3) Pty. Ltd. – previously known as HEI Utilities Holdings Pty.Ltd. and HEI Utilitites Holdings Ltd. 	CKI UTILITIES DEVELOPMENT LTD. PAI UTILITIES DEVELOPMENT LTD. SPARK INFRASTRUCTURE SA (NO. 1) PTY. LTD. SPARK INFRASTRUCTURE SA (NO. 2) PTY. LTD. SPARK INFRASTRUCTURE SA (NO. 3) PTY. LTD.

Former Names	Current Names
	THE COMMONWEALTH OF AUSTRALIA
	TELSTRA CORPORATION LTD.
ENVESTRA (SA) LTD.	AUSTRALIAN GAS NETWORKS (SA) LTD

5.11 Creation

5.11.1 A reference to the creation document of an easement must be shown in the CREATION column in accordance with the criteria set out in the following tables:

[Table 5.7 – New and Proposed Easement Decision Table](#)

[Table 5.8 – Existing Easement Decision Table](#)

[Table 5.9 – Extinguishment and Variation Easement Decision Table](#)

5.11.2 Only one creation reference can be shown in each easement row.

5.11.3 The creation reference for new and existing service easements must be 223LG RPA

5.11.4 Existing easements and rights of way require a reference to the creation document to be shown.

5.11.5 Where the creation document reference for a free and unrestricted right of way is known, that creation document reference must be shown (however, no additional searching is required).

5.11.6 A document prefix must precede the document number in accordance with the [Table 5.6 – Creation Document Number Prefix Decision Table](#) (eg: a transfer document must be shown in the Creation column as T1032556):

Table 5.6 - Creation Document Number Prefix Decision Table

Prefix	Document Type
A	APPLICATION
ACT	APPLICATION FOR COMMUNITY TITLES
AP	AMENDMENT TO STRATA OR COMMUNITY PLAN
AS	PARTIAL SURRENDER OF A CROWN LEASE
AQ	AQUISITION
CERTIFICATE OF TITLE UNDER ROAD ORDER VOL. FOLIO	ROAD ORDER CERTIFICATE OF TITLE
GG date PAGE no. (eg: GG 24.2.1983 PAGE 466)	GOVERNMENT GAZETTE (Land Grant has not issued)
GU	LEASE OF AN EASEMENT OR RIGHT OF WAY
GRO INDENTURE (eg: GRO INDENTURE 2/1927)	DEPOSITED INDENTURE
GRO NO. BOOK (eg: GRO NO. 1881 Book 11)	REGISTERED INDENTURE
LAND GRANT VOL. FOLIO (eg: LAND GRANT VOL. 4213 FOL. 63)	LAND GRANT

Prefix	Document Type
N	NOTIFICATION
PL	PARTIAL SURRENDER OF A LEASE
PT	PART 7A APPLICATION
RE	APPLICATION TO CREATE AN EASEMENT
RLG	REQUEST FOR LAND GRANT
RT	EASEMENTS CREATED BY REQUEST, eg: Letter attached to a docket.
RTC/RTU	APPLICATION FOR DEPOSIT OF A DIVISION PLAN
RTD	REQUEST FOR NEW TITLES FROM A DIVISION PLAN
T	TRANSFER
TG	APPLICATION TO CREATE AN EASEMENT
TT	PART 4 APPLICATION
V	VESTING
VM	MERGER DOCUMENT

Table 5.7 - New and Proposed Easement Decision Table

(Allowable easement type combinations for showing new and proposed easement details in the Easement Details panel)

STATUS	FORM	CATEGORY	PURPOSE	IN FAVOUR OF	CREATION
NEW	SERVICE	EASEMENT(S) EASEMENT(S) WITH LIMITATIONS	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION <i>or other water industry entity</i>	223LG RPA
			FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION <i>or other water industry entity</i>	
			FOR DRAINAGE PURPOSES	THE COUNCIL FOR THE AREA THE CROWN	
			FOR ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) <i>or other electricity entities</i>	
NEW or PROPOSED	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY FREE AND UNRESTRICTED RIGHT(S) OF WAY WITH LIMITATIONS	<i>No additional purpose shown</i>	<i>Dominant land or DOMINANT AUTHORITY</i>	<i>Left vacant</i>
		EASEMENT(S) EASEMENT(S) WITH LIMITATIONS	FOR WATER SUPPLY PURPOSES FOR SEWERAGE PURPOSES FOR DRAINAGE PURPOSES FOR GAS SUPPLY PURPOSES FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE FOR THE TRANSMISSION OF TELEVISION SIGNALS BY UNDERGROUND CABLE FOR EAVES AND GUTTERS FOR PARTY WALL RIGHTS FOR THE TRANSMISSION OF TELECOMMUNICATION SIGNALS BY UNDERGROUND CABLE FOR THE TRANSMISSION OF TELECOMMUNICATION SIGNALS BY OVERHEAD CABLE FOR SUPPORT TO PARK A VEHICLE		
		RIGHT(S) OF WAY RIGHT(S) OF WAY WITH LIMITATIONS	<i>ON FOOT</i>		

STATUS	FORM	CATEGORY	PURPOSE	IN FAVOUR OF	CREATION
NEW or PROPOSED	LONG	EASEMENT(S) EASEMENT(S) WITH LIMITATIONS RIGHT(S) RIGHT(S) WITH LIMITATIONS RIGHT(S) OF WAY RIGHT(S) OF WAY WITH LIMITATIONS RIGHT(S) AND EASEMENT(S) RIGHT(S) AND EASEMENT(S) WITH LIMITATIONS RIGHT(S) OF WAY AND EASEMENT(S) RIGHT(S) OF WAY AND EASEMENT(S) WITH LIMITATIONS PROFIT A' PRENDRE	<i>General purpose to be shown</i>	<i>Dominant land or DOMINANT AUTHORITY</i>	<i>Left vacant</i>

Table 5.8 - Existing Easement Decision Table

(Allowable easement type combinations for showing existing easement details in the Easement Details panel)

STATUS	FORM	CATEGORY	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	SERVICE	EASEMENT(S) EASEMENT(S) WITH LIMITATIONS	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION <i>or other water industry entity</i>	223LG RPA
			FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION <i>or other water industry entity</i>	
			FOR DRAINAGE PURPOSES	THE COUNCIL FOR THE AREA THE CROWN	
			FOR ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) <i>or other electricity entities.</i>	
	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY FREE AND UNRESTRICTED RIGHT(S) OF WAY WITH LIMITATIONS	<i>No additional purpose shown</i>	<i>For dominant authorities see – In Favour Of (Dominant Authorities) or Dominant parcel(s) of land are only referred to where they exist inside the bold black lines</i>	<i>Creation document to be shown - where it is known</i>

STATUS	FORM	CATEGORY	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	SHORT	EASEMENT(S) EASEMENT(S) WITH LIMITATIONS	FOR WATER SUPPLY PURPOSES FOR SEWERAGE PURPOSES FOR DRAINAGE PURPOSES FOR GAS SUPPLY PURPOSES FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE FOR THE TRANSMISSION OF TELEVISION SIGNALS BY UNDERGROUND CABLE FOR EAVES AND GUTTERS FOR PARTY WALL RIGHTS FOR THE TRANSMISSION OF TELECOMMUNICATION SIGNALS BY UNDERGROUND CABLE FOR THE TRANSMISSION OF TELECOMMUNICATION SIGNALS BY OVERHEAD CABLE FOR SUPPORT TO PARK A VEHICLE	<i>For dominant authorities see – In Favour Of (Dominant Authorities) or Dominant parcel(s) of land are only referred to where they exist inside the bold black lines</i>	<i>Creation document must be shown</i>
		RIGHT(S) OF WAY RIGHT(S) OF WAY WITH LIMITATIONS	<i>ON FOOT</i>		
	LONG	EASEMENT(S) EASEMENT(S) WITH LIMITATIONS RIGHT(S) RIGHT(S) WITH LIMITATIONS RIGHT(S) OF WAY RIGHT(S) OF WAY WITH LIMITATIONS RIGHT(S) AND EASEMENT(S) RIGHT(S) AND EASEMENT(S) WITH LIMITATIONS RIGHT(S) OF WAY AND EASEMENT(S) RIGHT(S) OF WAY AND EASEMENT(S) WITH LIMITATIONS CERTAIN RIGHT(S) AND LIBERTIES RIGHT(S) OF WAY AS MAY EXIST PROFIT A' PRENDRE	<i>No purpose shown</i>	<i>For dominant authorities see - In Favour Of (Dominant Authorities) or For dominant land see - In Favour Of (Land)</i>	<i>Creation document must be shown</i>

Table 5.9 - Extinguishment and Variation Easement Decision Table

(Allowable easement type combinations for showing extinguishment and variation easement details in the Easement Details panel)

STATUS	FORM	CATEGORY	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH or VARY FROM VARY TO	SERVICE	EASEMENT(S) EASEMENT(S) WITH LIMITATIONS	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION <i>or other water industry entity</i>	223LG RPA
			FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION <i>or other water industry entity</i>	
			FOR DRAINAGE PURPOSES	THE COUNCIL FOR THE AREA THE CROWN	
			FOR ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) TRANSMISSION LESSOR CORPORATION OF 1 UNDIVIDED 2 ND PART (SUBJECT TO LEASE 9061500) AND ELECTRANET PTY LTD OF 1 UNDIVIDED 2 ND PART <i>or other electricity entities.</i>	
	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY FREE AND UNRESTRICTED RIGHT(S) OF WAY WITH LIMITATIONS	No additional purpose shown	For dominant authorities see – In Favour Of (Dominant Authorities) or Dominant parcel(s) of land are only referred to where they exist inside the bold black lines	Creation document to be shown – where it is known

STATUS	FORM	CATEGORY	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH or VARY FROM VARY TO	SHORT	EASEMENT(S) EASEMENT(S) WITH LIMITATIONS	FOR WATER SUPPLY PURPOSES FOR SEWERAGE PURPOSES FOR DRAINAGE PURPOSES FOR GAS SUPPLY PURPOSES FOR THE TRANSMISSION OF ELECTRICITY BY OVERHEAD CABLE FOR THE TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE FOR THE TRANSMISSION OF TELEVISION SIGNALS BY UNDERGROUND CABLE FOR EAVES AND GUTTERS FOR PARTY WALL RIGHTS FOR THE TRANSMISSION OF TELECOMMUNICATION SIGNALS BY UNDERGROUND CABLE FOR THE TRANSMISSION OF TELECOMMUNICATION SIGNALS BY OVERHEAD CABLE FOR SUPPORT TO PARK A VEHICLE	<i>For dominant authorities see – In Favour Of (Dominant Authorities) or Dominant parcel(s) of land are only referred to where they exist inside the bold black lines</i>	<i>Creation document to be shown</i>
		RIGHT(S) OF WAY RIGHT(S) OF WAY WITH LIMITATIONS	ON FOOT		
	LONG	EASEMENT(S) EASEMENT(S) WITH LIMITATIONS RIGHT(S) RIGHT(S) WITH LIMITATIONS RIGHT(S) OF WAY RIGHT(S) OF WAY WITH LIMITATIONS RIGHT(S) AND EASEMENT(S) RIGHT(S) AND EASEMENT(S) WITH LIMITATIONS RIGHT(S) OF WAY AND EASEMENT(S) RIGHT(S) OF WAY AND EASEMENT(S) WITH LIMITATIONS CERTAIN RIGHT(S) AND LIBERTIES RIGHT(S) OF WAY AS MAY EXIST PROFIT A' PRENDRE	No purpose shown	<i>For dominant authorities see - In Favour Of (Dominant Authorities) or For dominant land see - In Favour Of (Land)</i>	<i>Creation document to be shown</i>

5.12 Summary of Possible Easement Combinations Table

Table 5.10 – Summary of Possible Easement Combinations

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	100 in D47625	SHORT	EASEMENT(S)	H IN D47625	FOR DRAINAGE PURPOSES	101 IN D47625 NOW CONTAINED IN 53	RTC 9112356
EXTINGUISH	100 IN D47625	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	H IN D47625		101-105 in D47625	RTC 9112356
EXTINGUISH	CT 5125/63	LONG	RIGHT(S) OF WAY	B IN D1234		CT 5278/25 NOW CONTAINED IN 52	T 899523
EXTINGUISH	52 (TYNTE STREET)	SHORT	EASEMENT(S)	A IN D7253	FOR DRAINAGE PURPOSES	49	TG 8896521
EXISTING	52 (RESERVE)	SERVICE	EASEMENT(S)	D(T/F)	FOR ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	223LG RPA
EXISTING	53	LONG	EASEMENT(S)	G		COUNCIL FOR THE AREA	TG 9112357
EXISTING	56*.57*	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	J			
EXISTING	49	SHORT	EASEMENT(S)	L	FOR DRAINAGE PURPOSES	52.53.54 (AND OTHER LAND)	T 8999756
EXISTING	75	LONG	EASEMENT(S)	G		22.23.24 (ALL MARKED X)	TG 8689523
EXISTING	80	LONG	EASEMENT(S)	K		TRANSMISSION LESSOR CORPORATION OF 1 UNDIVIDED 2 ND PART (SUBJECT TO LEASE 9061500) AND ELECTRANET PTY LTD OF 1 UNDIVIDED 2 ND PART	TG 8265895
EXISTING		SHORT	EASEMENT(S)	A	FOR SEWERAGE PURPOSES	27.28	TG 8112355
EXISTING	1	SHORT	EASEMENT(S)	A	PARTY WALL RIGHTS	B	TG 82067429
EXISTING	2	SHOR	EASEMENT(S)	B	PARTY WALL RIGHTS	A	TG 82067429
EXISTING	19	LONG	EASEMENT(S) WITH LIMITATIONS	M		CT 5000/1	GU 9851051
VARY FROM	100 IN F47625	LONG	RIGHT(S) OF WAY	A IN F47625		101 IN F47625	RTC 9112356
VARY TO	53	LONG	RIGHT(S) OF WAY	B		52	RTC 9112356
VARY FROM	6 IN D43621	SHORT	EASEMENT(S)	F IN D43621	FOR DRAINAGE PURPOSES	CT 5623/236	TG 8753562
VARY TO	53	SHORT	EASEMENT(S)	C	FOR DRAINAGE PURPOSES	CT 5623/236	TG 8753562
NEW	52 (RESERVE) .53.54.56*.57*	SERVICE	EASEMENT(S)	D	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
NEW	52.55	LONG	EASEMENT(S)	F	CAR PARKING	53 (MARKED X)	
PROPOSED	51*	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	E		53.54 (ALL MARKED X).52	

5.13 Easements shown on a plan of division that are not created on the deposit of the plan

5.13.1 The creation of easements is not part of the division process where:

- By mutual agreement, the registered proprietors agree to create a private easement at a later date and that will not be a condition of the plan.
- Easements are created in a Road Plan where no division occurs.

Service easements can only be created as a condition of plan deposit on plans of division or community plans.

Easements that are not created on the deposit of the plan can be shown over the land being divided or land redesignated outside the division.

5.13.2 Where easement(s) are not created on deposit over land within the division:

- The PURPOSE on the Textual Sheet must refer to: DIVISION AND EASEMENT
- The EASEMENT STATUS must show PROPOSED
- The annotation

EASEMENT __ DOES NOT FORM PART OF THE DIVISION

must be shown in the ANNOTATION panel.

5.13.3 Where the easement(s) are not created on deposit over land outside the division (eg. Redesignated):

- The PURPOSE on the Textual Sheet must refer to: DIVISION, EASEMENT AND REDESIGNATION OF PARCELS
- SUBJECT TITLE DETAILS must include the land being redesignated
- The EASEMENT STATUS must show PROPOSED
- The annotations

ALLOTMENT __ (CT __/__) DOES NOT FORM PART OF THE DIVISION

EASEMENT __ DOES NOT FORM PART OF THE DIVISION

must both be shown in the ANNOTATION panel.

5.13.4 In the following example Allotment 12 is a redesignated parcel and is included in the plan to create easement A at a later stage.

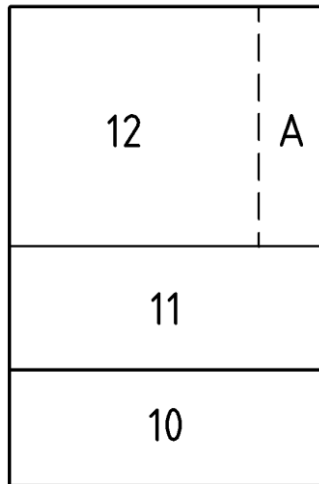
The heading of the plan will be:

- DIVISION, EASEMENT AND REDESIGNATION OF PARCELS
- SUBJECT TITLE DETAILS must include CT 5000/111 (Allotment 5 in D4567)
- The EASEMENT STATUS must show PROPOSED
- The Annotation

ALLOTMENT 12 (CT 5000/111) DOES NOT FORM PART OF THE DIVISION

EASEMENT A DOES NOT FORM PART OF THE DIVISION

must be shown on the ANNOTATION panel.



5.14 Easements that are created/varied over land being redesignated on a plan of division

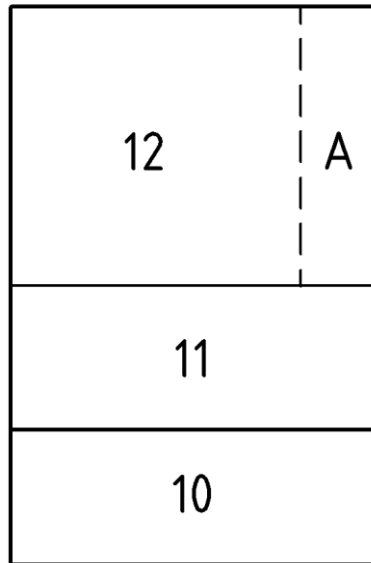
5.14.1 If a redesignated parcel is included on a division plan for the purpose of creating/varying an easement, the easement can be created as part of the planning condition.

- The PURPOSE on the Textual Sheet must refer to DIVISION AND REDESIGNATION OF PARCELS.
- SUBJECT TITLE DETAILS must include the land being redesignated
- The EASEMENT STATUS must show NEW.
- The Annotation ALLOTMENT __ (CT ___/___) DOES NOT FORM PART OF THE DIVISION must be shown.

5.14.2 In the following example Allotment 12 is a redesignated parcel and is included in the plan to create easement A on deposit of the plan. Easement A can be created as part of the planning condition and does not need to be created at a later stage.

The heading of the plan will be:

- DIVISION AND REDESIGNATION OF PARCEL
- SUBJECT TITLE DETAILS must include CT 5000/222 (Allotment 5 in D4567)
- The EASEMENT STATUS must show NEW.
- The Annotation ALLOTMENT 12 (CT 5000/222) DOES NOT FORM PART OF THE DIVISION must be shown on the Textual sheet.



5.15 Now Contained In

5.15.1 The label NOW CONTAINED IN is shown in the LAND BURDENED and IN FAVOUR OF columns to accurately describe land affected by the extinguishment of easements.

As a result of a land division where new boundaries overlap the old, the label must combine a prior land description with a new land description to specifically identify a portion of land (eg: 107 IN D45689 NOW CONTAINED IN 1 where 1 is a solitary parcel number that refers to a parcel on the current plan).

5.16 Now Contained In - Example

The following example ([Figure 5.1](#)) shows a land description where Allotment 107 formally had a dominant easement right over the land marked A. As a result of land division, allotment 2 only is to retain the dominant easement right over the land marked A.

The dominant easement rights over A appurtenant to the shaded area are to be extinguished. The appurtenance being extinguished is accurately described in the IN FAVOUR OF column.

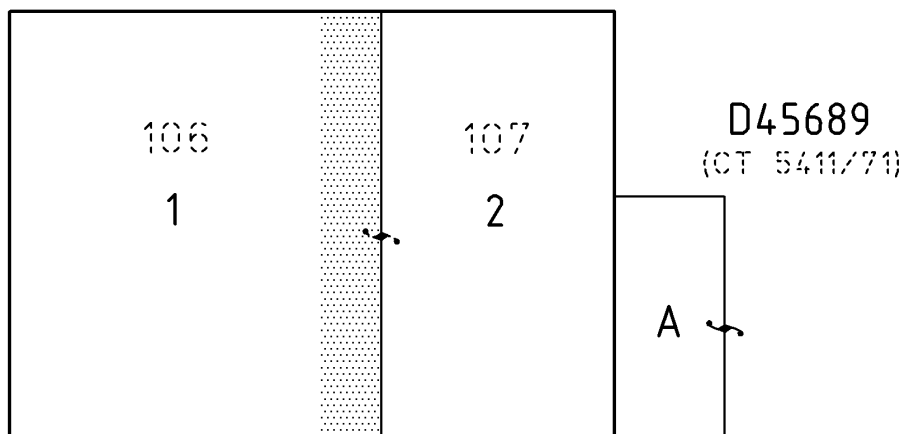


Figure 5.1

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	CT 5411/71	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	107 IN D45689 NOW CONTAINED IN 1	T 1022365
EXISTING		SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	2	T 1022365

5.17 Extinguishment of Easements

(See also [Table 5.1 - Land Burdened Description Decision Table](#) and [Table 5.4 – Dominant Land Format Decision Table for Existing Easements](#))

Easements are generally extinguished by one of two methods;

- By mutual agreement between the registered proprietors.
- Automatically pursuant to legislation.

The extinguishment of the whole of an easement does not require a plan.

Requirements for extinguishment of easements are set out in

Table 5.9 – Extinguishment and Variation Easement Decision Table

- 5.17.1 Extinguishments of easements on plans of division and community plans are a condition for plan deposit.
- 5.17.2 Easements to be extinguished by mutual agreement (ie. Not being extinguished automatically by operation of an Act) require an extinguishment note to be shown in the easement details.
- 5.17.3 The STATUS column must show EXTINGUISH.
- 5.17.4 Where an easement or its appurtenance is being extinguished and that land is NOT uniquely identified on the new plan, then the prior land description must be referred to in the LAND BURDENED, IDENTIFIER and IN FAVOUR columns (eg. 7 IN D69856, CT 5874/65 & A ON D69856). See [Figure 5.3](#) & [Figure 5.7](#).
- 5.17.5 Where portion of an easement or its appurtenance is being extinguished (eg. Allotment 2 only is to retain the easement or where portion of the subject land is vesting for road or reserve) and that land IS uniquely identified on the new plan, then the current parcel identifiers are referred to. See [Figure 5.4](#), [Figure 5.5](#), [Figure 5.6](#) and [Table 5.3 – Variation and Extinguishment IDENTIFIER Column Format Table](#).
- 5.17.6 If multiple easements exist with the same alpha identifier on the prior plan, a parcel number must be included for clarity (eg: A IN 112 ON D56632).
- 5.17.7 The IN FAVOUR OF column in the Easement Details panel must refer to dominant land or a dominant authority having the easement right extinguished.
- 5.17.8 Extinguishments of easements may affect the OTHER TITLES AFFECTED panel – please see section 4.14

5.18 Extinguishment of Easements - Example

The following example ([Figure 5.2](#)) shows two options for extinguishing an easement where allotment 15 has a dominant easement right over the land marked A.

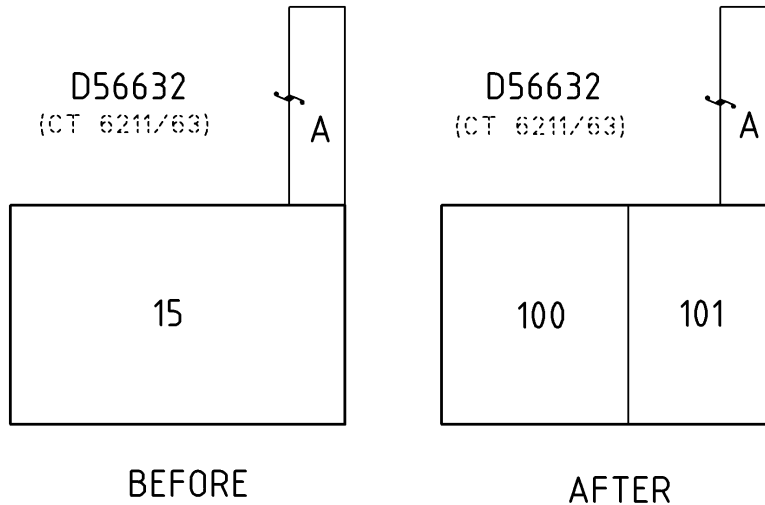


Figure 5.2

Option 1 (partial extinguishment - Parcel 101 only will retain the dominant right)

OTHER TITLES AFFECTED: (See Sec 4.14 for clarification of OTHER TITLES AFFECTED)

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	CT 6211/63	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	100	RTC 8993653
EXISTING		SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	101	RTC 8993653

The land description in the new plan (parcel 100) is referred to because only portion of the prior dominant land has been extinguished. Parcel 101 retains the easement right.

Option 2 (full extinguishment – the right must not be depicted on the diagram)

OTHER TITLES AFFECTED: CT 6211/63 (See Sec 4.14 for clarification of OTHER TITLES AFFECTED)

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	CT 6211/63	SHORT	EASEMENT(S)	A IN D56632	FOR DRAINAGE PURPOSES	15 IN D56632	RTC 8993653

In the above example, the IN FAVOUR OF column has referred to a land description (15 IN D56632) but it could also refer to a title reference.

5.19 Extinguishment of Easements where the Dominant and Servient Land Merge (Section 90C of the Real Property Act)

Easements are extinguished automatically by Section 90C of the Real Property Act 1886 to the extent where the dominant and servient land merge and dominant land is absorbed into the same parcel as the easement.

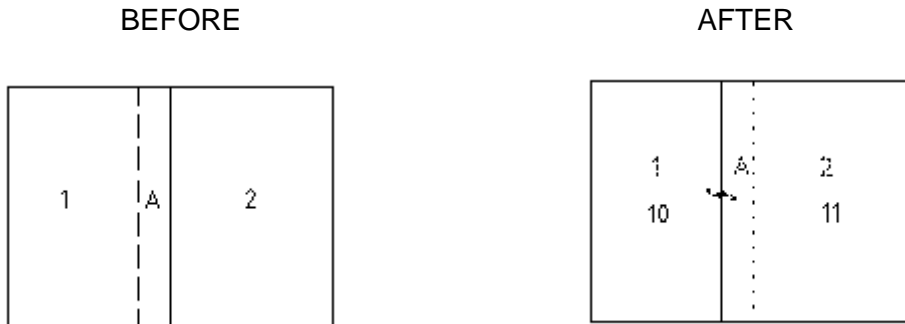
- 5.19.1 An easement extinguishment note explaining the automatic operation of Section 90C of the Real Property Act 1886 is not shown in the EASEMENT DETAILS.
- 5.19.2 Where an extinguishment has occurred pursuant to Section 90C of the Real Property Act 1886, the following note must be shown in the ANNOTATION panel.

SECTION 90C OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN

5.19.3 Where the intention is to totally extinguish the easement and part of the extinguishment is by Section 90C of the Real Property Act 1886 and the other part is by mutual consent of the servient and dominant owners, only the extinguishment note in the easement details is shown. The annotation SECTION 90C OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN must not be shown.

The following example shows that Allotment 2 has a together with right over easement A in Allotment 1. A division extends Allotment 2 to include that portion of land marked easement A in Allotment 1. Because easement A is no longer required as it is now contained in Allotment 11 easement A is extinguished by Section 90c. No extinguishment note is shown. The following note must be shown in the ANNOTATION panel.

SECTION 90C OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN



The following example (Figure 5.3) shows an allotment (101) that had a dominant easement right over portion of allotment 100 marked “A” (shown for illustration purposes only – “A” would not be shown on the plan). The land division plan alters the common boundary with a parallel shift to the left.

Part of easement A (the light shaded area) is extinguished automatically by Section 90C as regards the dominant right of allotment 101. (Note: This portion could still be subject to easement(s) in favour of other land).

The easement appurtenance can be extended to cover the whole of the new allotment 51 (i.e. the shaded grey areas).

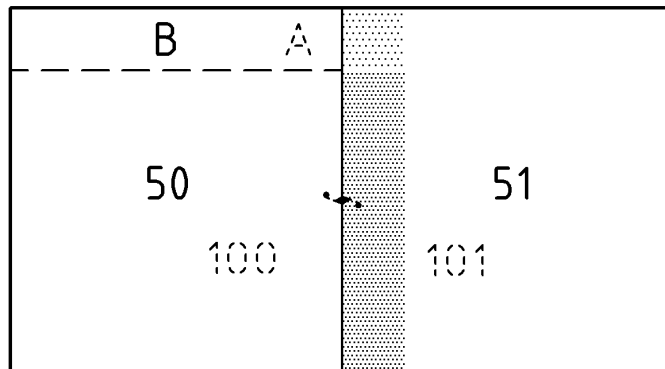


Figure 5.3

Option 1 (preferred option - extinguish and re-grant the easement see Figure 5.3)

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	100 IN D45786	LONG	EASEMENT(S)	A IN D45786		101 IN D45786	RTC 10332564
NEW	50	LONG	EASEMENT(S)	B	DRAINAGE	51	

Note: In Option 1 as the easement is completely extinguished the note Section 90C of the Real Property Act 1886 must not be shown.

Option 2 (preferred option - varying the easement see Figure 5.3)

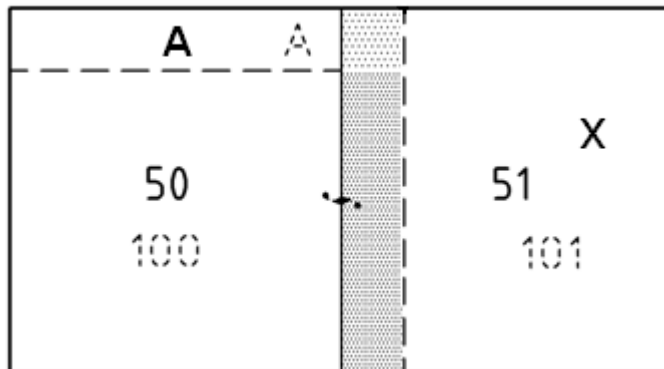
EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
VARY FROM	100 IN D45786	LONG	EASEMENT(S)	A IN D45786		101 IN D45786	RTC 10332564
VARY TO	50	LONG	EASEMENT(S)	B		51	RTC 10332564

Option 3 (Carry forward the easement only and show an appurtenancy. The light shaded area has been automatically extinguished by Section 90C of the Real Property Act 1886)

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	50	LONG	EASEMENT(S)	B		51 (MARKED X)	RTC 10332564

ANNOTATIONS
SECTION 90C OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN

In the example below the existing easement identifier A is used because the easement is being carried forward and not varied. Appurtenance X in allotment 51 must be shown on the diagram. A note is required in the ANNOTATION column to show that the provisions of Section 90C have occurred (ie the light shaded area).



5.20 Extinguishment Pursuant to Section 90E of the Real Property Act 1886

- 5.20.1 Rights of way and free and unrestricted rights of way over a public street or road are extinguished pursuant to Section 90E of the Real Property Act 1886.
- 5.20.2 An easement extinguishment note explaining the automatic operation of Section 90E of the Real Property Act 1886 is not shown in the EASEMENT DETAILS.
- 5.20.3 Where land subject to right(s) of way is to vest as a public road in a plan of division, the right of way is extinguished pursuant to Section 90E of the Real Property Act 1886 and the following note must be shown in the ANNOTATION panel.

SECTION 90E OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN

For further clarification see 5.21.

- 5.20.4 Titles outside the subject land that had rights over the land vested for Public Road must not be included on the division plan and will not be updated.
- 5.20.5 The balance of the right of way not extinguished by Section 90E of the Real Property Act 1886 must be carried forward as an existing right of way in the EASEMENT DETAILS panel.
- 5.20.6 Where the intention is to totally extinguish a Right of Way and only portion has vested as Public Road only the extinguishment note in the easement details is shown. The annotation SECTION 90E OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN must not be shown.
- 5.20.7 When dealing with a parcel of land which has a dominant right of way over a road, a search must be carried out to verify if the road is public. If it is determined that the road is a Public Road the Right of Way is therefore extinguished and the note SECTION 90E OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN must not be shown. If the road has not been declared public the Right of Way is carried forward.
- 5.20.8 Rights of way created by Commonwealth Acts are not extinguished by Section 90E of the Real Property Act 1886

5.21 Extinguishment of Right of Way Pursuant to Section 90E of the Real Property Act 1886 - Example

The following example ([Figure 5.4](#)) shows a parcel (11) that had a dominant right of way over the land marked A. Part of the right of way has vested as public road as a result of the division.

The right of way over the land vesting as Public Road (the shaded area) is automatically extinguished by Section 90E of the RPA.

Note: Easements are not extinguished by Section 90E

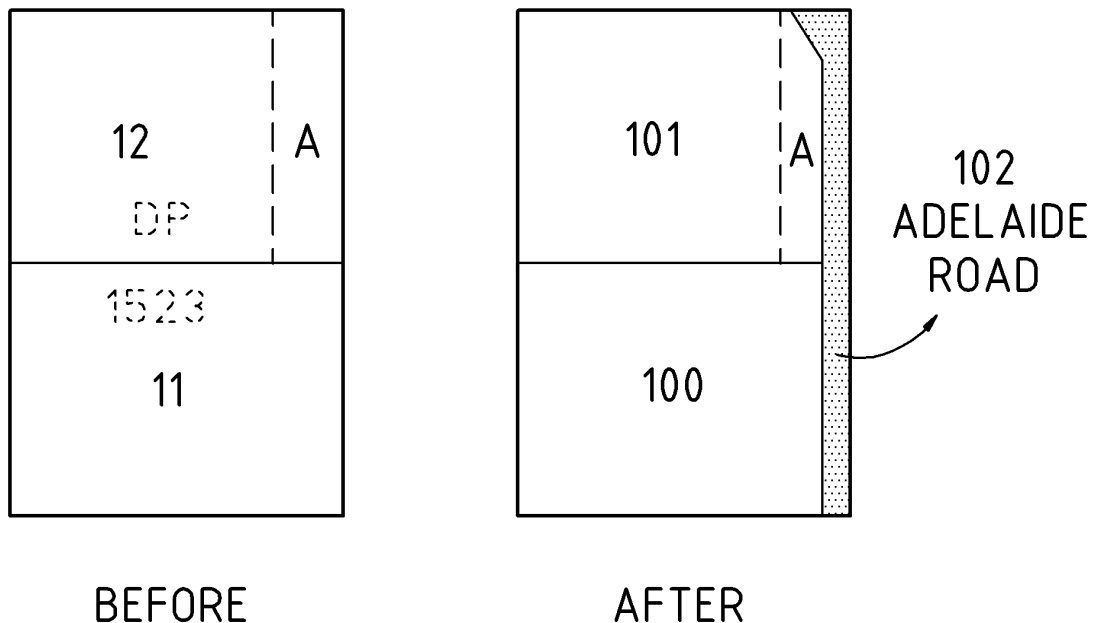


Figure 5.4

EASEMENT DETAILS						
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF CREATION
EXISTING	101	LONG	RIGHT(S) OF WAY	A		100 T 199365
ANNOTATION						
SECTION 90E OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN						

5.22 Extinguishment of Easements Pursuant to Section 223LF(2)(b) of the Real Property Act 1886

Easements may remain over land that has been vested as road, reserve or thoroughfare. But can be extinguished pursuant to Section 223LF(2)(b) of the Real Property Act 1886.

Requirements for extinguishment of easements are set out in

Table 5.9 – Extinguishment and Variation Easement Decision Table

- 5.22.1 Where easements are extinguished pursuant to Section 223LF(2)(b) of the Real Property Act 1886, an easement extinguishment must be shown in the Easement Detail.
- 5.22.2 The balance of the easement not extinguished by Section 223LF(2)(b) of the Real Property Act 1886 must be carried forward as an existing easement in the Easement Details (unless it is decided to vary or extinguish this part of the easement or the easement is extinguished in its entirety).

5.23 Extinguishment of Easements Pursuant to Section 223LF(2)(b) of the Real Property Act 1886 - Example

The following example ([Figure 5.5](#)) shows a portion of the easement has been vested as road. The registered proprietor and benefitting parties have agreed to extinguish that portion of the easement over the road (the shaded area). The balance of the easement will remain.

Note: If Allotment 51 was vested as reserve the same principles would apply eg. The LAND BURDENED would be 51 (RESERVE)

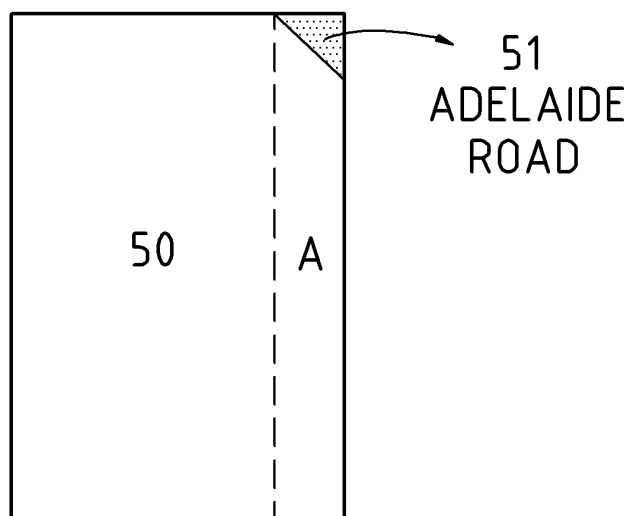


Figure 5.5

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	51 (ADELAIDE ROAD)	SHORT	EASEMENT(S)	A IN D1523	FOR DRAINAGE PURPOSES	26 IN D59963	RTC 1012356
EXISTING	50	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES		RTC 1012356

5.24 Cessation of Easements Pursuant to Section 223LF(6) of the Real Property Act 1886

Easement rights cease where the dominant land vests in the council, crown or prescribed authority as a street, road, thoroughfare, reserve or other similar open space, unless the plan shows that the easement will remain appurtenant to that land.

5.25 Cessation of Easements Pursuant to Section 223LF(6) of the Real Property Act 1886 - Example

In the following example ([Figure 5.6](#)) the whole of the land had a dominant easement right over the land marked A (prior to deposit and vesting of the reserve). That easement right is no longer required as regards Allotment 2 Reserve.

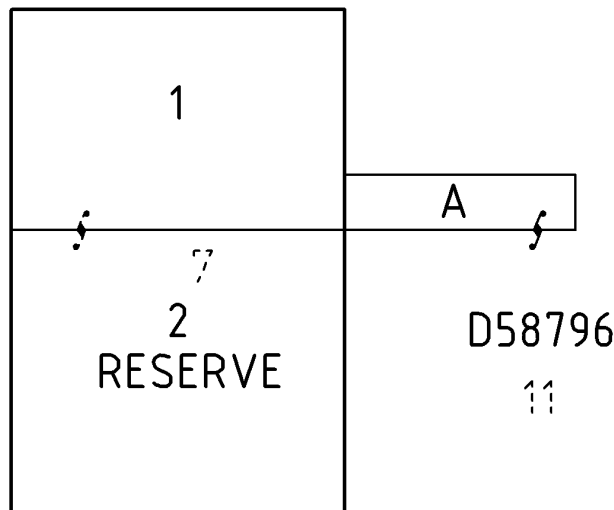


Figure 5.6

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING		LONG	EASEMENT(S)	A		1	RTC 1099365

5.26 Variation of Easements

(See also [Table 5.1 - Land Burdened Description Decision Table](#) and [Table 5.4 - Dominant Land Format Decision Table for Existing Easements](#))

A variation to an easement can be used to:

- Vary the position, extend or reduce an easement over servient land.
- Vary the height of an easement.
- Extend the appurtenance of the easement of the dominant land

A variation to an easement must not be used to:

- Reduce the appurtenance of an easement as this is an extinguishment

- Change the purpose

Requirements for variation of easements are set out in

Table 5.9 – Extinguishment and Variation Easement Decision Table

- 5.26.1 Variation of an easement on a plan of division or a community plan is a condition for plan deposit.
- 5.26.2 The information relating to the variation of an easement must be shown in the Easement Details panel.
- 5.26.3 Two easement details indicate the variation. These are identified in the STATUS column as,
- VARY FROM (the prior easement description)
 - VARY TO (the outcome after the variation)
- 5.26.4 The FORM, CATEGORY, PURPOSE and CREATION characters in the VARY TO row must remain the same as those shown in the VARY FROM row.
- 5.26.5 The old easement identifier or position must not be shown on the diagram. [Table 5.3 – Variation and Extinguishment IDENTIFIER Column Format Table](#)
- 5.26.6 If the easement has not been shown on a prior plan, no identifier is shown in the VARY FROM row in the Easement Details panel.
- 5.26.7 Where the position of the actual easement is to change, the IDENTIFIER column for VARY TO must differ from that shown on the certificate of title and must refer to the identifier on the current plan (eg: B).
- 5.26.8 Where the extent of the appurtenance only (*dominant land*) is to change, the IDENTIFIER column in the VARY TO row must remain unchanged.
- 5.26.9 The IN FAVOUR OF column in the Easement Details panel must refer to dominant land or a current dominant authority having the easement right varied.
- 5.26.10 Variations of easements may affect the OTHER TITLES AFFECTED panel – see section 4.14

5.27 Variation of Easements - Example

The following example ([Figure 5.7](#)) shows allotment 19 that has been divided and easement A has been varied to the position marked B. The example shows two options for changing the position of the easement.

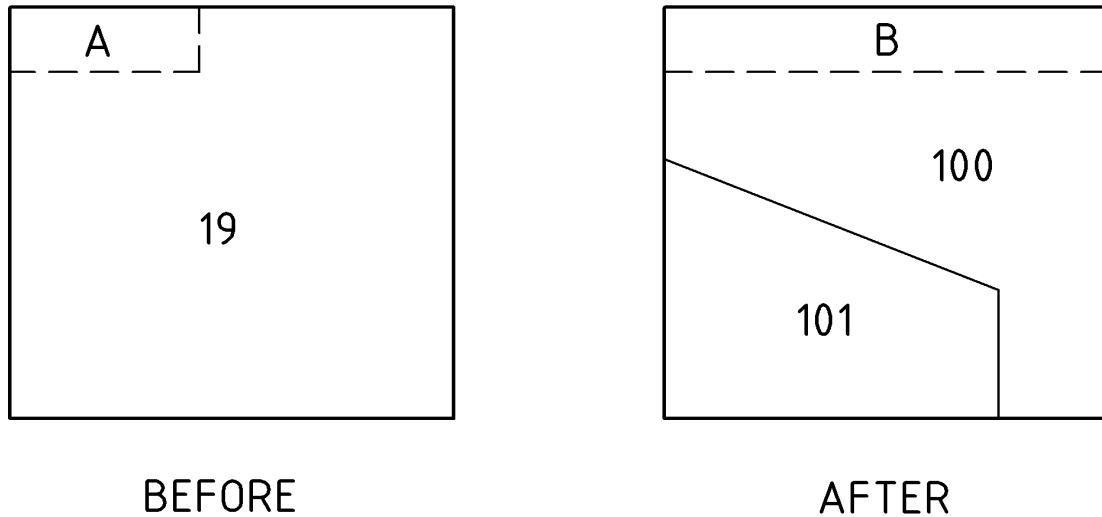


Figure 5.7

Option 1 (Varying the easement)

EASEMENT DETAILS						
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF CREATION
VARY FROM	19 IN D47625	LONG	EASEMENT(S)	A IN D47625		CT 5326/236 T 9112356
VARY TO	100	LONG	EASEMENT(S)	B		CT 5326/236 T 9112356

Option 2 (Extinguish and re-grant the easement)

EASEMENT DETAILS						
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF CREATION
EXTINGUISH	19 IN D47625	LONG	EASEMENT(S)	A IN D47625		CT 5326/236 T 9112356
NEW	100	LONG	EASEMENT(S)	B	DRAINAGE	CT 5326/236

5.28 Easements in Community Plans

- 5.28.1 Easements created on a Community Plan are a condition for plan deposit.
- 5.28.2 Easements may be varied or extinguished on Community Plans.
- 5.28.3 The following easements for the supply of services and internal reciprocal rights of support are protected by the Community Titles Act 1996 and do not need to be created:
 - Easements for support and shelter
 - Easements for the establishment, maintenance and repair of the service infrastructure
 - Easements for the provision of the following services by means of the service infrastructure-
 - the supply of water, gas, electricity, heating oil or air-conditioned air
 - ventilation
 - the transmission of telephonic, radio, computer and television signals
 - the removal of sewage and the drainage and water
 - the removal or disposal of garbage and waste
 - the provision of any other similar service

For clarification see Section 24 of Community Titles Act 1996.

- 5.28.4 Where a building is built after the deposit of the plan and a development contract has not been lodged, easements must be created for cantilevering, projections and overhang where they are not reciprocal.
- 5.28.5 On Community Strata Plans, servient and dominant easements and appurtenancies must be shown with data on the site plan. Servient and dominant easements and appurtenancies must also be shown on all floor levels where they exist, data is not shown.
- 5.28.6 If an easement is over a Lot Subsidiary in a Community Strata Plan only the relevant Lot number is mentioned in the EASEMENT DETAILS and no reference is made of the Subsidiaries.

5.29 Easements in amendment to Community and Strata Plans

An amendment to a Community and Strata Plan can:

- Create a new easement.
- Vary/extinguish an easement that has been created previously.

Note: Community Plan amendments can create service and private easements whereas Strata Plan amendments can only create private easements.

Where an amendment does not affect existing easement(s), the easement notes will be shown the same as the prior plan (with the exception of updating Ministers names, electricity authorities etc).

5.29.1 For the Common Plan Format:

- Existing easement(s) prior to the variation/extinguishment must be carried forward.
- New note(s) creating/varying/extinguishing easement(s) in a Strata or Community Plan will be shown under the heading of eg. "EASEMENT(S) __ AFFECTED BY AP _ _ _ _ _."
- For a variation of an easement the easement identifier in the Annotation Note is the identifier of the easement prior to the variation
- Existing easement(s) prior to a variation/extinguishment will not be delineated on the new plan diagram.

5.29.2 For the A3 Plan Format:

- Existing easements affected by the variation/extinguishment or new easements are shown in the Annotations as "EASEMENT(S) __ AFFECTED BY AP _ _ _ _ _."
- Existing easement(s) prior to the variation/extinguishment will not be shown on the textual and diagram sheets.
- The new easement details for the creation/variation/extinguishment are shown on the textual and diagram sheets.
- For a variation of an easement the easement identifier in the annotation note is the identifier of the easement prior to the variation
- All titles affected by the creation/variation/extinguishment that are external to the Community plan are shown in the OTHER TITLES AFFECTED.

New Easements

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	2		SHORT EASEMENT(S)	A	FOR DRAINAGE PURPOSES		

ANNOTATIONS:

EASEMENT(S) A AFFECTED BY AP 10012345

Variation of Easements

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
VARY FROM	1 in C20101		LONG RIGHT(S) OF WAY	B in C20101		2 in C20101	ACT 9865231
VARY TO	1		LONG RIGHT(S) OF WAY	C		2	ACT 9865231

ANNOTATIONS:

FORMER EASEMENT(S) B AFFECTED BY AP 10012345

Extinguishment of Easements

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	3 in C20101		SHORT EASEMENT(S)	D in C20101		2 in C20101	ACT987123

ANNOTATIONS:

FORMER EASEMENT(S) D AFFECTED BY AP 10012345

5.30 Creation of Easements in Community Plans where the Servient Land is outside the Bold Black Lines

Service and private easements can be created outside of the bold black lines on a Community Plan.

- 5.30.1 Creation of an easement outside the bold black lines can only occur where the easement abuts the subject land. Note; the easement being created can traverse multiple parcels, but must be unbroken throughout.
- 5.30.2 Only the extent of the easement must be depicted, not the servient land (see [Figure 5.8](#)).

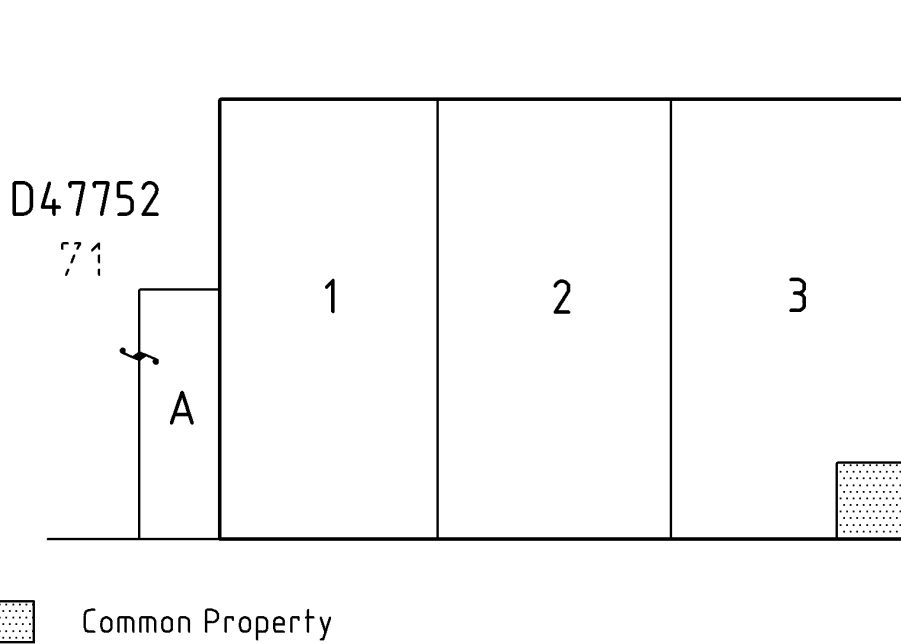


Figure 5.8

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	71 IN D47752	SERVICE	EASEMENT(S)	A	FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG

The Title Reference for allotment 71 in D47752 must be shown in the OTHER TITLES AFFECTED panel.

5.31 Creation of Easements in Community Plans where the Dominant Land is outside the Bold Black Lines

5.31.1 The dominant land must not be shown on the diagram sheet

5.31.2 The dominant land must be referred to in the IN FAVOUR OF column in the Easement Details panel, by the land description or title reference (see [Figure 5.9](#)).

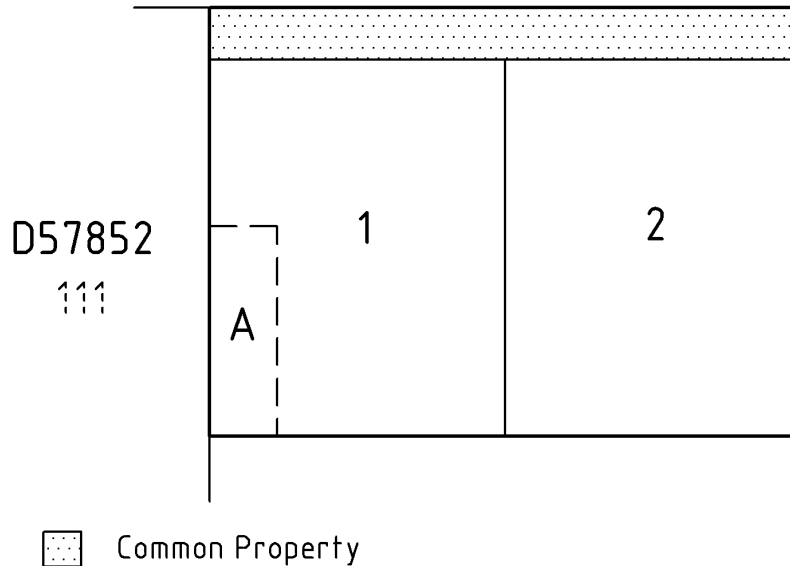


Figure 5.9

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	1	SHORT	EASEMENT(S)	A	FOR SEWERAGE PURPOSES	111 IN D57852	

The Title Reference for allotment 111 in D57852 must be shown in the OTHER TITLES AFFECTED panel.

5.32 Easements in Road Plans pursuant to Roads (Opening and Closing) Act 1991

5.32.1 Existing easements over land:

- Opened as road are extinguished upon confirmation of the Road Process Order, unless preserved in the road process order. All dominant titles being extinguished (including easement in gross) will need to be shown in the OTHER TITLES AFFECTED panel. These extinguishments do not require an extinguishment note to be shown.
- To be closed are extinguished pursuant to the Roads Act. All dominant titles (including easement in gross) will need to be shown in the OTHER TITLES AFFECTED panel. These extinguishments do not require an extinguishment note to be shown.

Where a closed road is merged with land that has a dominant right the servient land automatically extends to include the closed road in accordance with the Roads act.

5.32.2 New easements can be created on Road Plans by the following methods:

- Road Process only.
- As part of a combined road closure and division process.
- By Grant document over the land not being closed.

5.32.3 Easements created in a road process order can be in favour of:

- Private Parties (to be held appurtenant to their land)
- The Council for the Area
- Telstra Corporation Ltd.
- South Australian Water Corporation

- Electricity entities authorised under the Electricity Act 1996
- Australian Gas Networks (SA) Ltd
- Epic Energy South Australia Pty Ltd
- Statutory Authority
- Prescribed Public Utility

5.33 Easements created as part of the Road Process

Easements created as part of the Road Process can only be created over the closed road. Where a new easement is to traverse both the subject land and the closed road separate easement identifiers will be required and the land outside the closed road will have to be created by grant documentation.

- The PLAN PURPOSE on the Textual sheet must show:
ROADS (OPENING AND CLOSING) ACT 1991
- The easement STATUS must show NEW.

5.34 Easements in Road Plans - Example

The following example (Figure 5.10) shows allotment 100 and a closed road with an easement being created (the shaded area). Although, the purpose of easement B is the same as A, it must be created separately as easements created by the Road Process can only be created over the road being closed. Easement A must be created by the Road Process, whereas B must be created by grant documentation.

The Plan Purpose is ROADS (OPENING AND CLOSING) ACT 1991 AND EASEMENT

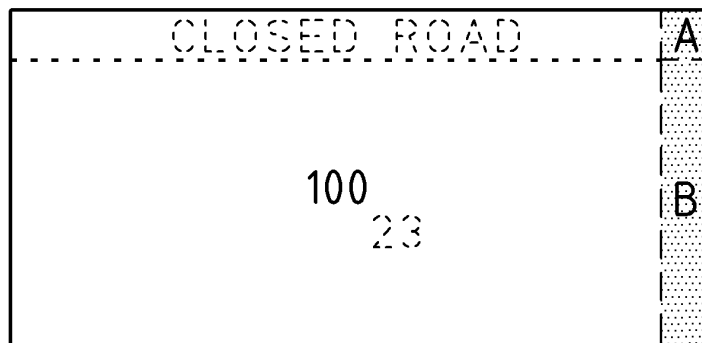


Figure 5.10

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	100	LONG	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	
PROPOSED	100	SHORT	EASEMENT(S)	B	FOR DRAINAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	

5.35 Easements in Road Plans created as part of the Division process under 19AB of the Real Property Act 1886

5.35.1 Easements can be created over the land being divided and or the Closed Road as part of the division process and not the road process. A separate easement identifier is not required where the easement traverses over the closed road.

- The PLAN PURPOSE on the Textual sheet must show:
ROADS (OPENING AND CLOSING) ACT 1991 AND DIVISION
- The easement STATUS column must show NEW.
- Where an easement is to be created over a Closed Road by the Division process the following ANNOTATION must be shown:
EASEMENT(S) __ DO NOT FORM PART OF THE ROAD PROCESS.

5.36 Easements in a Road Plan created by Grant Document after Deposit

5.36.1 Easements can be created over the subject land, the land being divided and or the Closed Road by a Grant document. A separate easement identifier is not required where the easement traverses over the closed road.

The Textual sheet must show:

- ROADS (OPENING AND CLOSING) ACT 1991 AND EASEMENT or ROADS (OPENING AND CLOSING) ACT 1991, DIVISION AND EASEMENT as the PLAN PURPOSE.
- The easement STATUS column must show PROPOSED.
- Where an easement is to be created over a Closed Road by grant the following ANNOTATION must be shown: EASEMENT __ DOES NOT FORM PART OF THE ROAD PROCESS.
- Where the PLAN PURPOSE is ROADS (OPENING AND CLOSING) ACT 1991, DIVISION AND EASEMENT and the easement is to be created over land outside the Closed Road by grant the following ANNOTATION must be shown: EASEMENT __ DOES NOT FORM PART OF THE DIVISION PROCESS.
- Where the PLAN PURPOSE is ROADS (OPENING AND CLOSING) ACT 1991, DIVISION AND EASEMENT and the same easement is to be created over both the closed road and land outside the Closed Road by grant the following combined ANNOTATION must be shown: EASEMENT __ DOES NOT FORM PART OF THE DIVISION OR ROAD PROCESS

5.37 Dealing with roads closed under the Roads (Opening and Closing) Act 1932

5.37.1 If a road closed under the Roads (Opening and Closing) Act 1932 was subject to easement(s), including right(s) of way prior to its closure and a Road Plan is to merge the closed road with the adjoining land a search of the original road order is required to determine if the closed road is still subject to these easements.

5.38 Easements to be Created over Crown Land

5.38.1 Easements including Service easements can be created over Crown Land upon deposit of a Division Plan.

5.39 Existing Easements over Crown Land

Where easements are shown on Crown Leases as endorsements or as easement notes and the land is to remain as Crown land or be freeholded those easements must be shown on the plan.

5.39.1 Where Crown Land is being merged or divided with RPA land, the dominant rights appurtenant to the parcel of Crown Land do not automatically extend to cover the extent of the new parcel. See [Section 5.40 Easements Appurtenant To Crown Land](#).

5.40 Easements Appurtenant To Crown Land

In [Figure 5.11](#) a parcel of Crown Land and RPA land merge to form one allotment, the dominant easement right appurtenant to the Crown Lease is shown as an appurtenance. The dominant easement right over A appurtenant to the Crown Lease does not automatically extend to cover the RPA land.

Further documentation is required to extend the appurtenance over the whole of allotment 8.

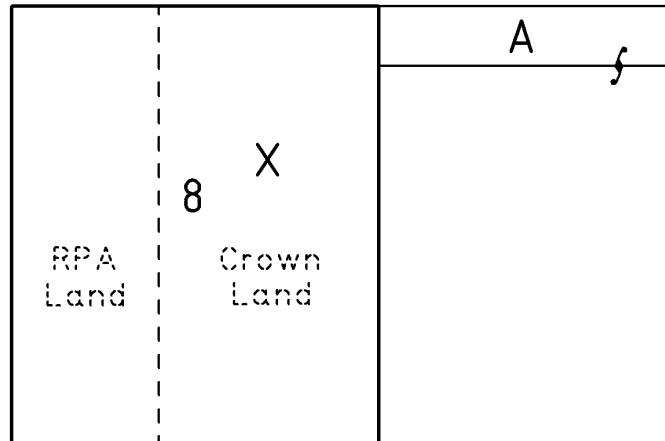


Figure 5.11

EASEMENT DETAILS						
STATUS	LAND BURDENED FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	LONG	CERTAIN RIGHTS A AND LIBERTIES	8 (MARKED) X			AL4112356

5.41 Natural Gas Authority Easements (Section 9 NGA 1967)

Easements making reference to Section 9 of the Natural Gas Authority Act 1967 protect the Moomba - Adelaide and Katnook gas pipelines and their infrastructure. These statutory easements will be shown on titles in conjunction with a private easement to a gas or pipeline authority also shown on the same title. The position of the private easement is fixed by data and may be in a similar position to the statutory easement.

Both easements must be shown in the Easement Details,

Firstly, The private easement created by a granting document, eg. T 602385

Secondly, The statutory easement (*created by Section 9 of the Natural Gas Authority Act 1967*)

The physical position of the statutory easement may or may not be defined by a survey, in which case,

If the easement has been defined by survey, then the position must be shown on the diagram and an identifier shown in the Easement Details.

If the easement has not been defined by survey, then the position of the statutory easement is not shown on the diagram and the IDENTIFIER shown in the Easement Details must show POSITION NOT DEFINED. See [Example 5.2](#)

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	10		LONG EASEMENT(S)	A		NATURAL GAS AUTHORITY OF SOUTH AUSTRALIA	T602385
EXISTING	10		LONG EASEMENT(S)	POSITION NOT DEFINED			Section 9 NGA 1967

Example 5.2

Where land is being divided into multiple parcels that are subject to a statutory easement (*created by Section 9 of the Natural Gas Authority Act 1967*), that statutory easement must be carried forward onto the same parcels as the private easement (if any) created by grant and IN FAVOUR of the Natural Gas Authority of South Australia.

In [Figure 5.12](#) – The title for the land being divided into allotments 1 & 2 currently indicates the existence of both private and statutory easements (although the position of the statutory easement has not been defined). Both easements are shown in the easement details parcels being carried forward onto allotment 1 only.

Note: LTO staff will confirm with the dominant easement owner that the statutory easement does not need to be carried forward over the other allotments in the plan.

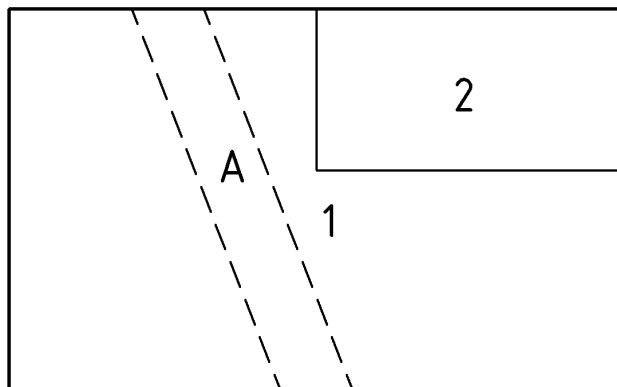


Figure 5.12

5.42 Easements with Limitations

Easements are unlimited, unless restricted by height or time of use.

- 5.42.1 Easements must be either limited or unlimited (eg: a new easement cannot comprise portion being limited and another portion unlimited).
- 5.42.2 Separate easements must be shown with different identifiers.
- 5.42.3 The Category column in the Easement Details panel must show “WITH LIMITATIONS”.

5.43 Easements Limited to Time

- 5.43.1 Specific time restrictions (eg. when the easement can be used) will be shown in the creation document prepared by the solicitor or conveyancer.
- 5.43.2 The category column in the Easement Details must refer to “WITH LIMITATIONS”.

5.44 Easements of Limited Duration

- 5.44.1 An expiry date will be shown in the creation document prepared by the solicitor or conveyancer.
- 5.44.2 The category column in the Easement Details must refer to “WITH LIMITATIONS”.

5.45 Existing Easements of Limited Duration created by Lease

As a consequence of the change referred to in NTLP 178 to GU Dealings new plans will now need to include existing easements of limited duration created by lease. From 18 May 2015 upon conversion of Crown leases to electronic format and on issue of titles an easement of limited duration will be shown as an easement note on the new title/CL.

Easements of limited duration created by lease are to be shown on plans as easements on the textual and diagram sheets. The usual requirements of Section 5 and other relevant sections of the PPG apply.

5.45.1 Plans attached to existing Leases

An easement created by a lease is sometimes defined by reference to a plan attached to the document. In those instances the surveyor will be required to relate the easement from the plan attached to the document to the plan being prepared.

5.45.2 Easement of Limited Duration or Lease

As existing easements of limited duration created by a lease have three different prefixes and various ways of being endorsed on titles and Crown leases it is recommended that a copy of the Lease of Easement document be obtained.

Surveyors may need to consult with a Plans Client Advice Officer before the plan is prepared to ensure that it is an easement of limited duration created by lease and not just an easement attached to leased land.

5.45.3 Easement(s) over or appurtenant to Lease (not fee simple)

Easement(s) with a STATUS of New, Proposed, Existing, Extinguish or Vary From and Vary To that are over a lease must show the lease number in the Land Burdened panel in Easement Details

Easement(s) with a STATUS of New, Proposed, Existing, Extinguish or Vary From and Vary To that are appurtenant to a lease must show the lease number in the In Favour Of panel in Easement Details

EASEMENT DETAILS						
STATUS	LAND BURDENED FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	L 544444	LONG	EASEMENT(S) WITH LIMITATIONS	A		GU 524012
NEW	22	LONG	EASEMENT(S) WITH LIMITATIONS	P	L 121231	
PROPOSED	L 541214	LONG	EASEMENT(S) WITH LIMITATIONS	T	21	

5.46 Easements Limited in Height

- 5.46.1 The category column in the Easement Details must refer to “WITH LIMITATIONS”.
- 5.46.2 Height limits for new and proposed easements and existing service easements must be shown in a schedule on the diagram sheet (see [Figure 5.13](#)) or by cross section or a combination of both.
- 5.46.3 Height limits for all other existing easements must not be shown in a schedule on the diagram sheet.

- 5.46.4 Lower and upper limits where applicable must be shown.
- 5.46.5 Height limits shown must refer to the Australian Height Datum (AHD).
- 5.46.6 Where there is uncertainty as to where the RL height is (eg. does it go above, below or through an existing structure), either a cross section or an annotation eg. The RL 116.20 metres AHD exists above Carport Unit Sub 2 must be shown.

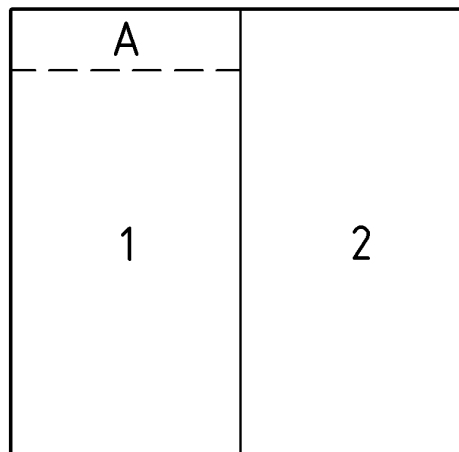
EASEMENT DETAILS						
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF CREATION
PROPOSED	16	LONG	EASEMENT(S) WITH LIMITATIONS	A	FOR ELECTRICITY SUPPLY PURPOSES	17

EASEMENT LIMITATION(S) SCHEDULE	
IDENTIFIER	HEIGHT LIMITATION
A	LOWER LIMIT 10.27 METRES AHD UPPER LIMIT 27 METRES AHD

Figure 5.13 (to be shown on the Diagram Sheet)

5.47 Easements - Case Study 5.1

Parcel 1 is subject to a right, with parcel 2 having a dominant right.

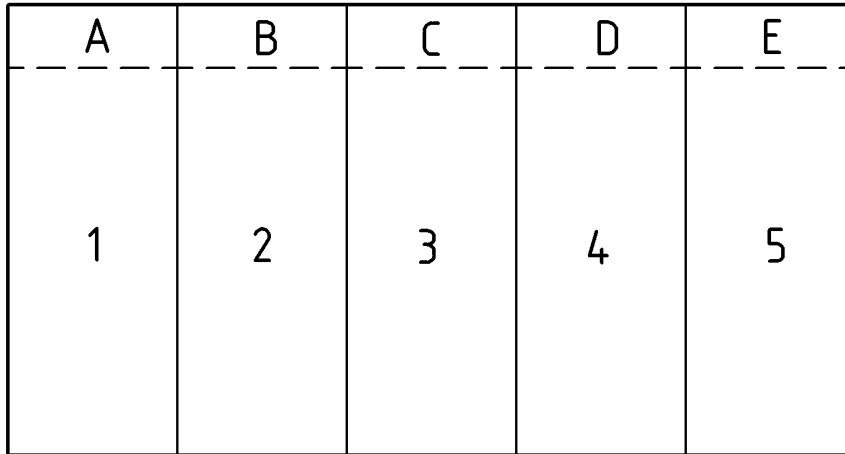


EASEMENT DETAILS						
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF CREATION
EXISTING	1	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	A		2 TG 1014452

5.48 Easements - Case Study 5.2

Each parcel will receive a dominant easement right over the other parcels within the bold black lines.

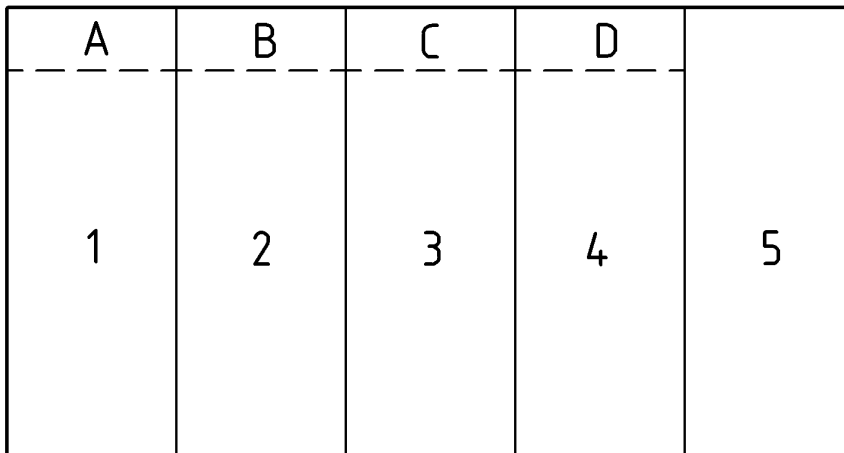
Note: Each easement requires a different identifier.



EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	1	LONG	RIGHT(S) OF WAY	A	ACCESS	2.3.4.5	
NEW	2	LONG	RIGHT(S) OF WAY	B	ACCESS	1.3.4.5	
NEW	3	LONG	RIGHT(S) OF WAY	C	ACCESS	1.2.4.5	
NEW	4	LONG	RIGHT(S) OF WAY	D	ACCESS	1.2.3.5	
NEW	5	LONG	RIGHT(S) OF WAY	E	ACCESS	1.2.3.4	

5.49 Easements - Case Study 5.3

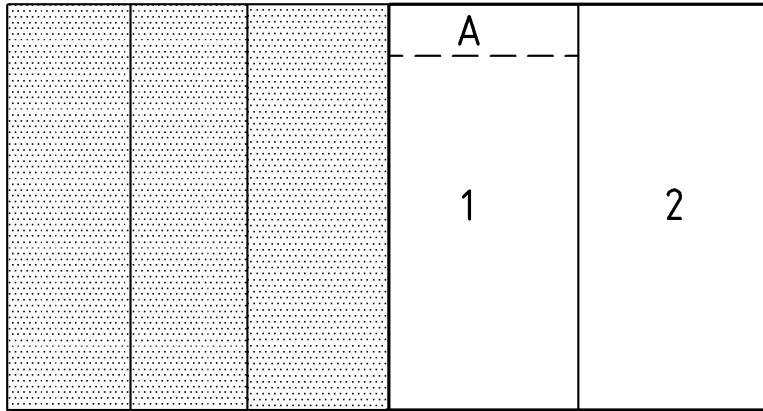
Each parcel will receive a dominant easement right over all parcels to its left.
 Note: Each easement requires a different identifier.



EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	1	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	2.3.4.5	
NEW	2	SHORT	EASEMENT(S)	B	FOR DRAINAGE PURPOSES	3.4.5	
NEW	3	SHORT	EASEMENT(S)	C	FOR DRAINAGE PURPOSES	4.5	
NEW	4	SHORT	EASEMENT(S)	D	FOR DRAINAGE PURPOSES	5	

5.50 Easements - Case Study 5.4

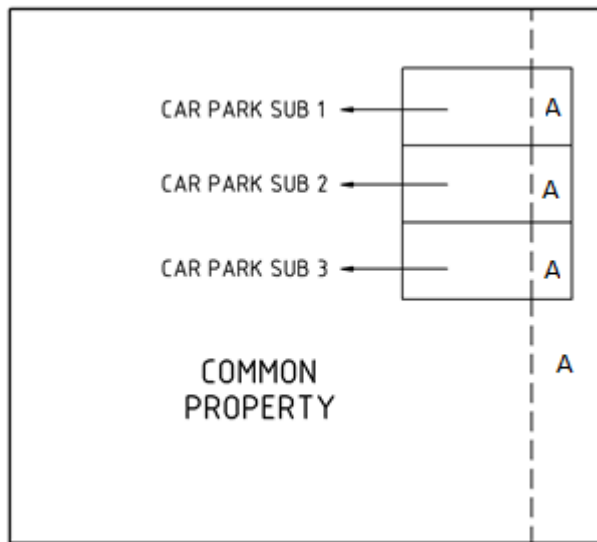
The dominant land to an easement exists both within and outside the bold black lines.
 The shaded parcels are outside the plan, but also have dominant rights over A.



EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	1	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	2 (AND OTHER LAND)	TG9112367

5.51 Easements - Case Study 5.5

A Filed Plan depicting a proposed easement over unit/lot subsidiaries 1.2.3 and common property in a Strata/Community Plan.

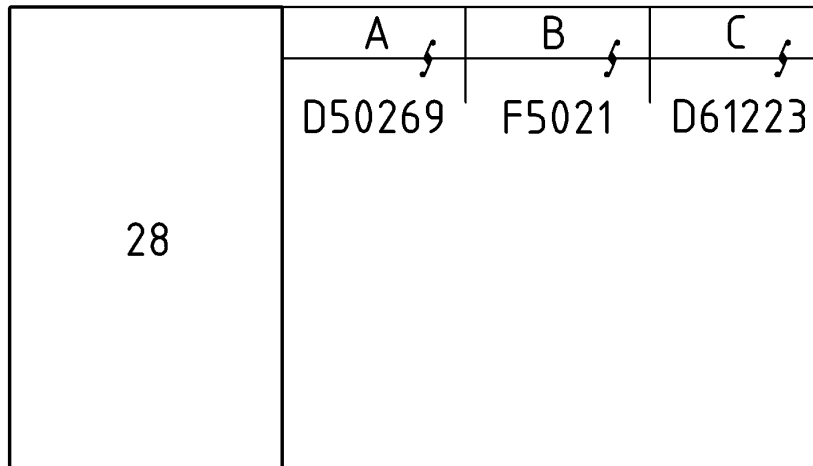


EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
PROPOSED	1.2.3.COMMON PROPERTY	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	COUNCIL FOR THE AREA	

Note: The easement is limited to the height and depth of the parcel it is granted over (eg: a car park subsidiary generally has a lower limit of the upper surface of the ground and an upper limit of 3 metres above). The easement is not created, until further documentation is lodged and registered.

5.52 Easements - Case Study 5.6

A parcel of land has numerous dominant easement rights created by different documents.



EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING		SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	28	RTC 9125634
EXISTING		SHORT	EASEMENT(S)	B	FOR DRAINAGE PURPOSES	28	TG 8523651
EXISTING		SHORT	EASEMENT(S)	C	FOR DRAINAGE PURPOSES	28	T 456231

Although the easement is for the same purpose, it was created at different times by various creation documents therefore it requires separate details.

The Land Burdened fields are left blank because:

- The Land Burdened by the easement is outside the bold black lines and
- The easement is not being varied or extinguished.

5.53 Easements - Case Study 5.7

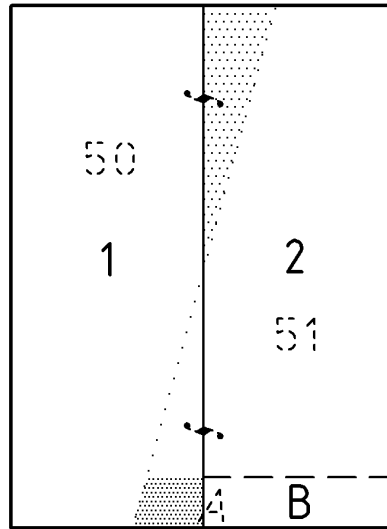
The common boundary between Allotments 50 and 51 in D45786 has altered. Allotment 50 had a dominant easement right over portion of parcel 51 marked A. The provisions of Section 90C of the Real Property Act 1886 apply, where an allotment cannot have a dominant easement right over itself. The example below shows three different actions occurring, with 4 different options to achieve an end result.

Actions automatically occurring upon deposit pursuant to Section 90C of the Real Property Act 1886 are,

1. The light shaded area's dominant easement right over easement B in allotment 2 is extinguished.
2. Portion of allotment 50 now contained in allotment 1 has had the easement right extinguished over A which is now contained in allotment 1

Options:

1. The light shaded area maintains the dominant easement right over the dark shaded area. If this is no longer required, it can be extinguished.
2. The appurtenance of easement B can be extended to cover the whole of the new parcel, being allotment 1.



Option 1 (preferred option - extinguish and re-grant the easement)

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	51 IN D45786	LONG	RIGHT(S) OF WAY	A IN D45786		50 IN D45786	TG 9865231
NEW	2	LONG	RIGHT(S) OF WAY	B	ACCESS	1	

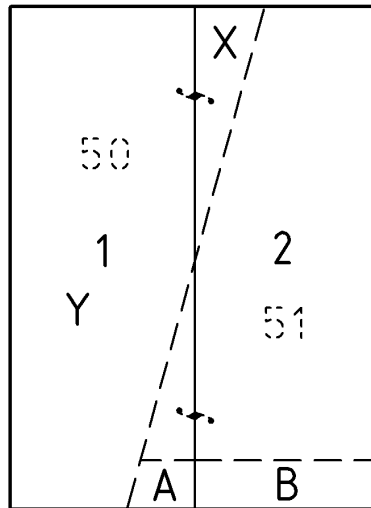
Option 2 (preferred option - varying the easement)

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
VARY FROM	51 IN D45786	LONG	RIGHT(S) OF WAY	A IN D45786		50 IN D45786	TG 9865231
VARY TO	2	LONG	RIGHT(S) OF WAY	B		1	TG 9865231

Option 3 (Carry forward the existing easement and show appurtenancies. Note portions of the easement have been extinguished by Section 90C of the Real Property Act 1886)

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	1	LONG	RIGHT(S) OF WAY	A		2 (MARKED X)	TG 9865231
EXISTING	2	LONG	RIGHT(S) OF WAY	B		1 (MARKED Y)	TG 9865231
ANNOTATIONS							
SECTION 90C OF THE REAL PROPERTY ACT 1886 APPLIES TO THIS PLAN							

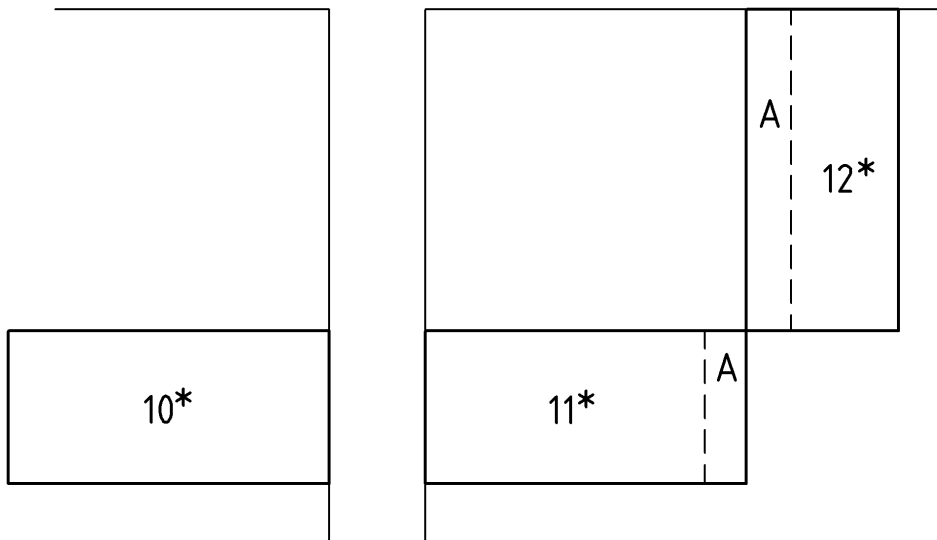
The existing easement is to be carried forward with appurtenances shown. No attempt is made to extend the appurtenancies over the whole of the allotments. The identifier in allotment 2 has been changed from A to B to avoid confusion when reading the easement details.



5.54 Easements - Case Study 5.8

Pieces subject to an easement.

Note: Pieces (10*.11*.12*) comprise one allotment.



EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	11*.12*	SHORT	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	COUNCIL FOR THE AREA	

5.55 Bodies Entitled to Hold an Easement in Gross

The following [Table 5.11 - Bodies entitled to hold an Easement in Gross](#) pursuant to Section 41A of the Law of Property Act 1936.

Table 5.11 - Bodies entitled to hold an Easement in Gross

A
Alano Utilities (Mt Barker) Pty Ltd.
Australian Gas Networks Ltd.
Australian Gas Networks (SA) Ltd.
Ayers Net Ltd.
Australian Zircon NL
B
Barossa Infrastructure Ltd.
Berri Irrigation Trust Incorporated
C
Cadell Irrigation Trust Incorporated
Chaffey Irrigation Trust Incorporated
Cheetham (Dry Creek) Pty. Ltd.
Cobdogla Irrigation Trust Incorporated
D
Davidson Vineyard Management Pty. Ltd.
F
Fuller West Road Recycled Water Association Incorporated
G
Gawler River Floodplain Management Authority
Golden Heights Irrigation Trust Incorporated
Greenhill Water Supply Co. Ltd.
K
Kingston Irrigation Trust Incorporated
L
Langhorne Creek Water Co. Pty. Ltd.
Lock 4 Irrigation Trust Incorporated
Loxton Irrigation Trust Incorporated
Lyrup Village Settlement Incorporated
M
Marathon Water Pty. Ltd.
Meadow Glen Water Co. Pty. Ltd.
Moorook Irrigation Trust Incorporated
Mypolonga Irrigation Trust Incorporated
P
Penrice Soda Products Pty. Ltd.

S
Spencer Gulf Telecasters Ltd.
Sunlands Irrigation Trust Incorporated
T
Telstra Corporation Ltd.
The Pine Village Land & Services Management Association Incorporated
W
Waikerie Irrigation Trust Incorporated
Willunga Basin Water Company Pty. Ltd.
WMC (Olympic Dam Corporation) Pty. Ltd.
Woods Point Irrigation Trust Incorporated

Other bodies entitled to hold an easement in gross are:

- Crown
- Public or local authority
- An electricity entity licensed under the Electricity Act 1996 to carry on the generation of electricity or the operation of a transmission or distribution network - vide Government Gazette 27.1.2000 Page 502.

A list of the licensed bodies can be found at the Essential Services Commission of South Australia website at the following link:

<http://www.escosa.sa.gov.au/>

Once on the above home page go to Electricity – Licensing - Distribution, Generation or Transmission licences for the relevant electricity entities.