

# Application for Deposit of a Plan of Division

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

For additional information on the completion of this form and requirements see Land Services notes on land division under the *Real Property Act 1886* available at [www.sa.gov.au/landservices](http://www.sa.gov.au/landservices).

## GENERAL INFORMATION

- \* Form RTC is to be used when transactions are occurring as part of the division pursuant to Part 19AB of the *Real Property Act 1886* (RPA) (e.g. vesting of land, adjustment of estates, creation, variation, extinguishment of easements).

**Note:** - Roads, Reserves and Service Easements are vested free of cost by the Act and are not considered a transaction.

- \* The only third party permitted in an RTC document is an agent or an instrumentality of the Crown, or an authority having the power to acquire land under the Land Acquisition Act.
- \* The Development Assessment Commission certificate, if applicable, must be current at the time of lodgement of this document.
- \* The application must be assessed for stamp duty prior to being lodged with Land Services SA.
- \* If the name of the applicant or consenting party has altered an application amending their name should be lodged prior to the RTC, if applicable.
- \* Each page must be numbered consecutively, e.g. 1 of 10, 2 of 10.
- \* All handwriting must be in permanent, dense, rapid drying black or blue ink.

## EXPLANATION OF FORM

### Heading

Insert the plan number, (if known) and the development number.

### Land Description

Include title reference for all titles affected by the plan, e.g. the land being divided, and other land affected by any variation, extinguishment or creation of rights/easements or redesignation e.g. "Whole of the land in CT Volume .....Folio....."

### Applicant(s)

Insert the full name and address of the applicants, being the registered proprietors of the land being divided.

### Application to Registrar-General

The operative clause of the application.

## Schedule of Mode of Issue

The Mode of Issue is to show the details for all of the new titles to be issued as a result of the division. This includes titles issuing for any Roads and Reserves, Easement in Gross and affected by the creation, variation or extinguishment of an easement.

### Parcel Identifier/ CT reference

Insert the number of the Allotment(s), Roads and Reserves in the division plan, and any title references for land outside of the division.

### Full name, address and mode of holding

Show the full name, address and mode of holding (if required) of the proprietor(s) for the titles to be issued

### Estates or Interests

State all of the registered interests that are to carry forward against the resultant parcel after registration of the RTC.

The registered interests must be disclosed accurately and in the required order to indicate if the estate or interest covers all or portion of the land in the resultant parcels.

For example

L 5236421 (shop1 in F226425)  
AG 602389 of portion  
M 8245226

When no estates or interests exist, insert "Nil".

## Details of Transaction(s) (Applicant(s) Only)

- \* Set out the actions required to affect the applicant's interest on deposit of the plan.
- \* Where mode of holding is changing, the details of transactions is to show vested shares.
- \* Set out the transactions of fee simple land e.g.:
  - a. *"Vesting of land from Fred Smyth to Joan Smyth to form allotment 7"*
  - b. *"Vesting of the interest of Zoe Heinrich in allotment 6 to Hamish Heinrich"*
- \* Set out the creation /variation /extinguishment of rights and easements e.g.:
- \* "Creation/Variation/Extinguishment of easement(s) as set out on the accompanying plan"

This component of the document may be defined precisely or by reference to the accompanying plan.

- \* Rights/easements not part of the planning process cannot be created in an RTC this is where the easement is shown as proposed and the plan annotation states 'easement A does not form part of this division'. These are to be created by appropriate documentation following lodgement of the RTC.

## Schedule of Easements Created by Deposit of the Accompanying Plan of Division

- \* Service (statutory) easements are not to be included.
- \* If only short form easements are to be created delete the long form statement. Similarly, if only long form easements are to be created delete the short form easements. If no easements are to be created strike through both.
- \* **SHORT FORM** – do not express in full, as the easement shown in the annotation note on the plan will be created on the deposit of the plan. Note: - A short form easement is one set out with the exact wording as set out in the 5th and 6th schedules of the RPA.
- \* **LONG FORM** – set out the right in full when no short form clause is used on the plan. (The easement note on the plan will indicate the general purpose of the easement.)

## Certificate of Consent for the Deposit of a Plan of Division

- \* Parties required to consent to the deposit include:
  - a. Registered proprietors of land outside of the division affected.
  - b. All persons claiming an interest or having a registered estate or interest in the land actually divided and other land affected.
  - c. Those having an estate or interest vested in them under section 223LE(3)(b) of the (RPA).
- \* If a lease is being extended, reference should be made to a parcel defined in a lease plan filed for that purpose, the lease is to be over and separate consents forms will be required from the lessee and lessor.
- \* See Notice to Lodging Parties (NLP) 171 & 179 regarding deregistered encumbrances
- \* See NLP 158, 161 & 179 regarding adjustment of statutory encumbrances

### *Consenting party*

Show consenting party's full name, including if a company their ACN or ABN, and their address.

### *Nature of estate or interest held*

State the nature of the estate or interest held (e.g. registered proprietor of CT..., mortgagee, party to AG..... etc)

### *Statement of Effect on estates or interests of consenting parties*

- \* Insert interest affected (e.g. CT 5678/23, M 34567812, L 6785892, etc.)
- \* Show effect on the interest by selecting or striking through the statement(s) shown or if the statements do not cover the situation insert the applicable wording. Note: If statutory encumbrance (e.g. Land Management Agreement) is adjusted additional certification is required. See NLP 158.
- \* If there is no effect insert NIL. Do not use N/A
- \* Insert Consideration/Value for Stamp Duty purposes.

### *Consent*

*Must be dated.*

## EXECUTION BY APPLICANTS AND CONSENTING PARTY

If the party executing is a natural person who is signing in his or her own right, he or she must sign his or her usual signature in the place indicated on the form. A different format must be used where a person is not signing in his or her own right (e.g. he or she is signing as attorney for the applicant).

Pursuant to Section 267 of the RPA, the witness must be aged 18 years or over and must know the party executing personally or have satisfied him or herself as to their identity. The witness cannot be a party to the instrument. The witness must sign his or her name and print his or her full name, address and business hours telephone number legibly beneath his or her signature.

Pursuant to Section 268 of the RPA, a witness is guilty of an offence if he or she does not know the person executing the instrument personally and has no reasonable ground on which to be satisfied as to the person's identity, OR knows or has reasonable grounds for suspecting that the person signing the instrument is not a party to the instrument or does not have the authority to sign on behalf of the party.

- *Maximum Penalty - \$5,000 or 1 year imprisonment.*

If the party executing the Application is a body corporate it may execute in any manner permitted by law.

## CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by a prescribed person, being one of the following:

- a. A legal practitioner
- b. A registered conveyancer
- c. If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- d. If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Prescribed Person is a registered conveyancer or legal practitioner.

The first listed certification does not apply where the Prescribed Person is a self-represented party. Self-represented parties are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

Note: - An attorney or a body corporate cannot make certification statements.

The Registrar-General's [Verification of Identity](#) and [Verification of Authority](#) requirements must always be complied with.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*.

## SUPPORTING DOCUMENTATION LODGED WITH APPLICATION

Insert reference to supporting documentation that is required to be lodged with the application.

## ANNEXURE

*It will be necessary to use an annexure sheet (Form B1) if there is insufficient space for the text or to complete the remaining executions.*

An annexure sheet to an instrument must:

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

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

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

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

FORM RTC (Version 1)



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