

## 8. DIAGRAM REQUIREMENTS FOR EASEMENTS

These requirements apply to service and private easements (excluding party walls) either new or existing. They are applicable to servient and dominant easements over RPA and Crown Land.

### 8.1 General Requirements for Easements and Appurtenances

Easement and appurtenance boundaries are considered to be straight lines unless otherwise indicated.

8.1.1 Where easement boundary lines intersect with other boundaries the breaks in the line must not occur at the intersection.

8.1.2 Angles must not be used to fix new easements.

### 8.2 Easement and Appurtenance Data

The showing of full data for each easement within each allotment or lot is optional.

See Section 7.31 for part distance requirements for fixing easement and appurtenance boundaries.

8.2.1 Where an easement has previously been shown with full data, data may be omitted to show only the minimum data to fix the easement on the new plan. (See [Figure 8.1](#)).

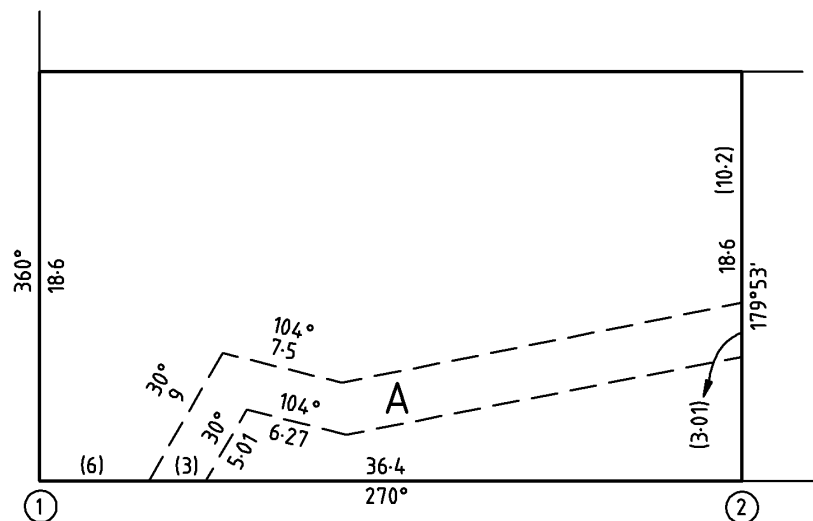


Figure 8.1

8.2.2 The minimum number of fixings must be used to fix each corner of an easement.

8.2.3 Calculated data may be used to fix easements to parcel boundaries and bends in easements when the new plan provides data which was not previously available.

8.2.4 Sufficient data must be shown for each easement so that each easement can stand alone within a parcel. Each corner of each easement within each allotment, lot or piece must be fixed independently of other easements (see [Figure 8.2](#)).

8.2.5 Where easements intersect, data must not be shown to the intersection points (see [Figure 8.2](#)).

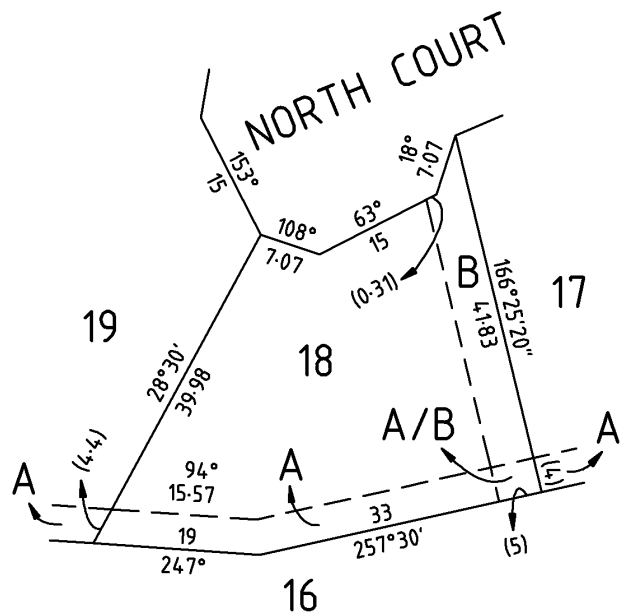


Figure 8.2

- 8.2.6 Where a new boundary intersects an existing easement that has not been resurveyed (e.g. the data for the easement is shown as adopted data), the word CALC is shown after the easement distance(s) used to fix the easement within the new parcel.
- 8.2.7 Where an easement cannot be fixed by any other means an easement may be fixed by the use of:
  - An easement width.
  - Angles.
 See Section 8.13 Easements - Case Study 8.1
- 8.2.8 Easements must not be fixed by the intersection of two boundaries (that is swingers) showing:
  - Distance only.
  - A bearing and no distance
  - A distance and no bearing.
- 8.2.9 Height limits must be set out in a schedule on the diagram sheet as below. Lower and upper limits, where applicable must be shown. Height limits shown refer to Australian Height Datum (AHD).

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

**8.3 Easements Fixed Solely by Monument**

- 8.3.1 In some situations easements may be fixed solely by monument, eg:
  - Rights of support for allotments in a stratum division.
  - Where one or more allotments sit on top of one another in a multi storey building.
  - In a Strata Plan pursuant to the Strata Titles Act 1988
  - In a Community Plan in accordance with the Community Titles Act 1996.

Approval by the Registrar-General is required before proceeding with this method.

This method does not apply to easements related to monuments such as party walls, easements for eaves and gutters etc, which must be fixed by data.

### 8.4 Easements External to Subject Land

- 8.4.1 Existing easements outside the bold black lines must be shown on the diagram sheet.
- 8.4.2 The boundaries of the easement must be shown by solid boundary lines.
- 8.4.3 Where the easement is complex and/or extensive or non contiguous, the easement may be omitted from the diagram sheet provided another plan delineates the easement (contact the Plans Client Advice Officer).
- 8.4.4 Reference to the easement must be shown in the Easement Details panel on the Textual sheet.
- 8.4.5 Reference to a certificate of title in which the servient land is depicted is not acceptable.
- 8.4.6 Where the easement is shown on the plan it should be plotted to scale. If the scale of the plan prohibits the easement from fitting on the sheet, the lines may be broken to shorten the presentation.
- 8.4.7 Where the servient land has one easement identifier, the overall data must be shown for the whole easement regardless of the number of parcels of land with different identifiers that comprise the servient land (see [Figure 8.3](#)).
- 8.4.8 The boundary between each parcel of land with a different identifier, comprising the servient land must be shown as a dotted line (see [Figure 8.3](#)).

The servient land is identified on the diagram in accordance with the guidelines for Abutments. Refer to Section 7.50 Abutments.

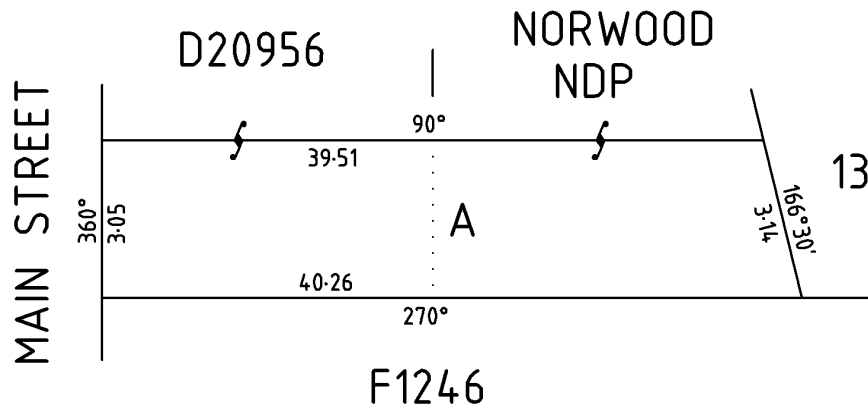


Figure 8.3

- 8.4.9 Where the easement requires more than one easement identifier data must be shown for each portion (see [Figure 8.4](#)).

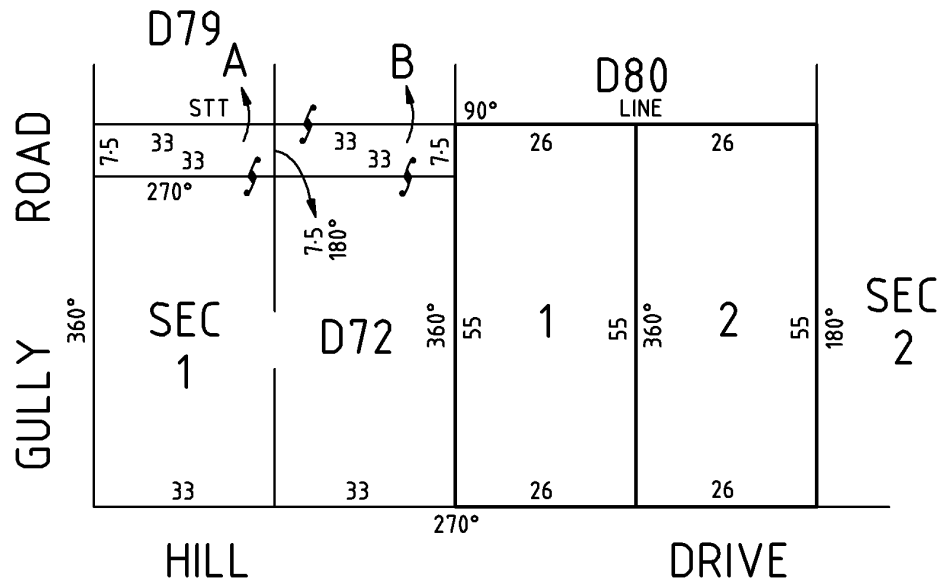


Figure 8.4

- 8.4.10 Where the right(s) is a free and unrestricted right(s) of way, only one easement identifier must be shown even if the right was created by more than one document.
- 8.4.11 Where the same land inside the bold black lines has a dominant free and unrestricted right of way over physically separated land outside the bold black lines, each physically separated right must be alpha identified.

**8.5 Easements under Part 19AB of the Real Property Act 1886**

- 8.5.1 Where an easement is being created in a plan of division over land subject to an existing easement, reference to a prior plan or certificate of title is not acceptable; the easement must be shown on the diagram sheet.
- 8.5.2 Where an easement(s) is being created over the land being divided appurtenant to land outside the subject land of the division, the dominant land must be shown only on the diagram sheet and included in the bold black lines where it is intended to redesignate the dominant land.

**8.6 Easements in Filed Plans**

- 8.6.1 Service easements under Section 223LG of the Real Property Act 1886 must not be created on Filed Plans. (Only existing service easements within subject land may be shown).
- 8.6.2 Where the land is contiguous both the servient and dominant tenements must be shown within the bold black lines.
- 8.6.3 Where the dominant land is not contiguous with the servient land, only the servient land is shown on the plan (contact the Plans Client Advice Officer).

**8.7 Variation of Easements**

- 8.7.1 The old easement position, size or shape must not be shown.
- 8.7.2 A different easement identifier to the original must be used.
- 8.7.3 Where an appurtenance is extended, only the result of that extension must be shown on the plan, the old appurtenance must not be separately defined.

## 8.8 Extinguishment of Easements

- 8.8.1 Where the whole of an easement is being extinguished, a plan is not required.
- 8.8.2 The easement being extinguished must not be shown.
- 8.8.3 Where portion of an easement is being extinguished, the balance portion must be shown with a new identifier and the appropriate data to define the easement. The portion being extinguished must not be shown.

## 8.9 Easements Pursuant to the Roads (Opening and Closing) Act 1991

Easement presentation requirements for Roads (Opening and Closing) Act 1991 plan Diagram Sheet(s) are as set out in the Easement Details Panel.

- 8.9.1 Easements created under this Act may be over the whole or portion of the closed road(s).
- 8.9.2 Existing easements over land opened as road may be extinguished by Section 25(1)(b).
- 8.9.3 If the easement is to be retained, as set out in the road order, the easement over the portion becoming the road must be defined by data and alpha identified with appropriate information for the existing easement shown in the Easement Details Panel of the Textual Sheet.

## 8.10 Petroleum Regulations Gas Supply Easements

- 8.10.1 Easements for GAS SUPPLY PURPOSES to Envestra (SA) Limited must be delineated on the diagram sheet in relation to the physical centreline of the pipe.
- 8.10.2 A general enlargement must be shown offsetting the easement boundaries to the pipe centreline (see [Figure 8.5](#)).

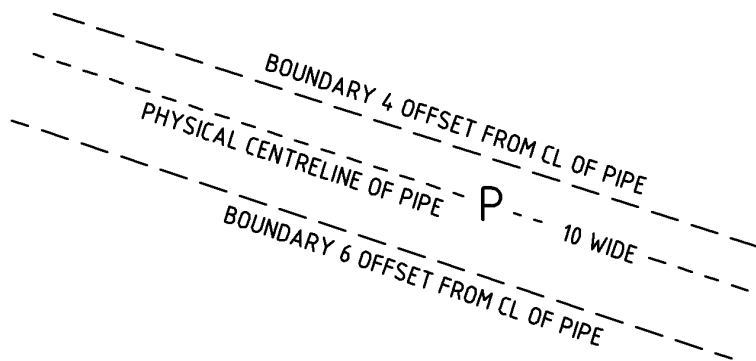


Figure 8.5

- 8.10.3 A notation must be shown on the diagram sheet as follows:  
 THE PHYSICAL CENTRELINE OF THE GAS PIPELINE IS EVIDENCED AT GROUND LEVEL BY STEEL MARKER POSTS IN ACCORDANCE WITH THE PETROLEUM REGULATIONS 1989

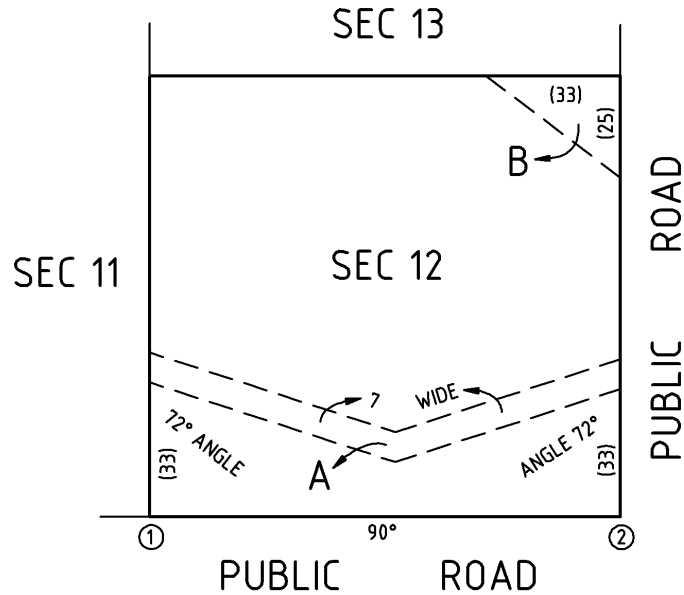
## 8.11 Physical Evidence of Existing Easements

- 8.11.1 Where an existing easement is redefined on a certified plan, comment on the physical evidence of the easement must be shown by:
  - Fixings to monuments, eg: Manhole covers, centreline of pylons.
  - A notation on the diagram sheet, eg:  
 NO PHYSICAL EVIDENCE OF EASEMENT A.  
 PHYSICAL EVIDENCE OF EASEMENT B IS CONTAINED WITHIN THE EASEMENT

### 8.12 Easements - Case Study 8.1

An uncertified data Filed Plan is shown to supply data for easement B.

Section 12 is subject to an easement marked A created by T171615. There is no data shown on the certificate of title for Section 12 except for the width, distance and angle fixings for easement A.



On the new plan easement A is fixed by a part distance along the eastern and western boundaries of Section 12. Since the relationship between the eastern and western boundaries of Section 12 is unknown and cannot be determined, easement A is then fixed by angles as shown on the CT and a width.