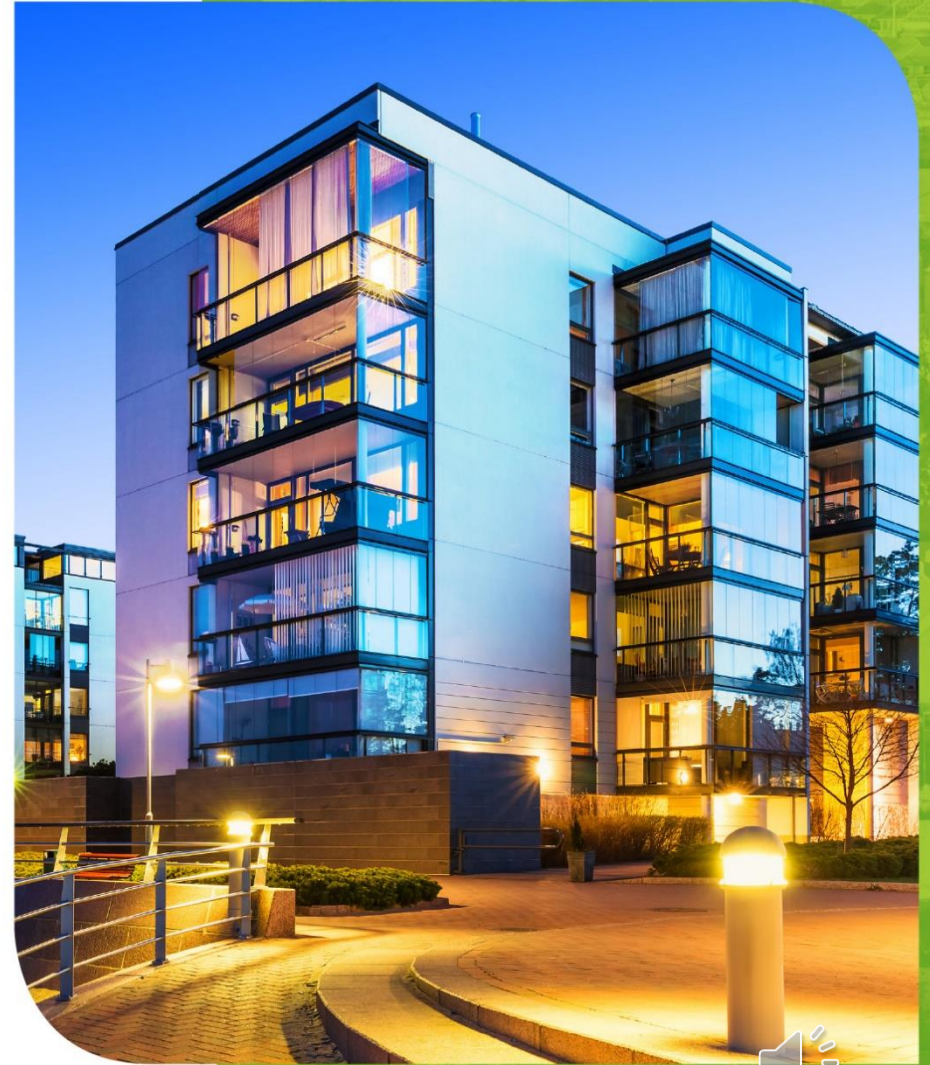




Industry Education Webinar:

EASEMENTS Part 2



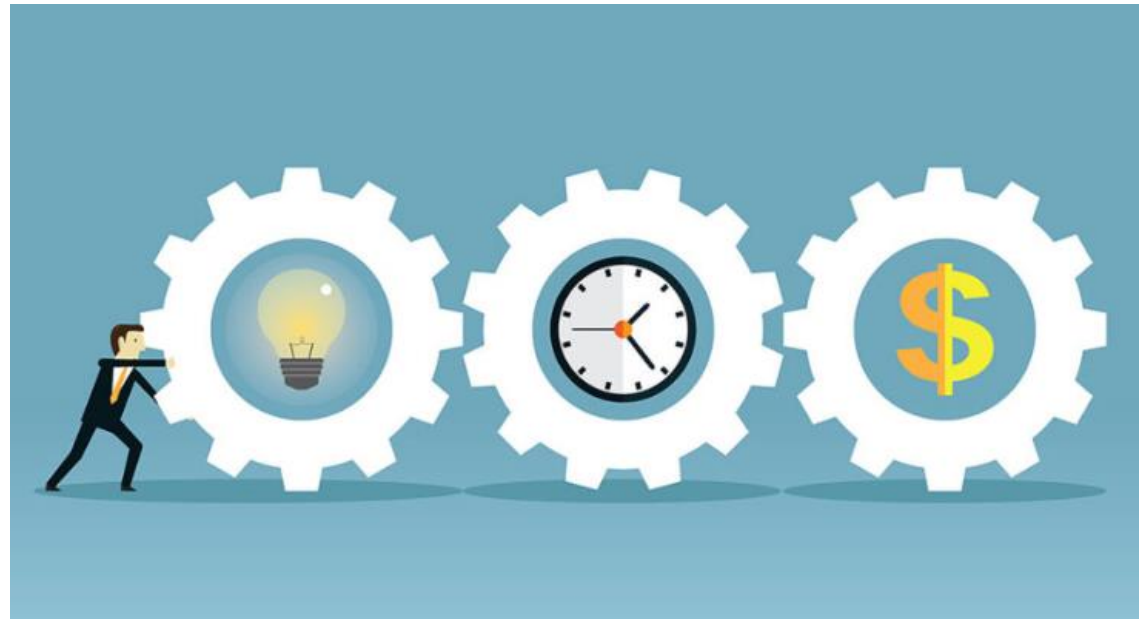


Industry Education Program

Land Services SA is committed to providing an excellent Customer Experience. One way we continue to deliver value to the Industry is through our Industry Education Program, where we produce a range of helpful educational materials, hold regular webinars and Industry Events.

Why are we doing this?

- ✓ Assist in educating the industry by providing regular training updates
- ✓ Assist in reducing requisitions across your business, saving you time and money
- ✓ Supporting you to deliver excellent service to your clients





About our Land Services SA Team

This Industry Education Webinar was prepared by one of Land Services SA's Subject Matter Experts. Our staff have years of experience and are well respected in the Industry.



Steve Andrews is a Level 3 Plan Examiner within Land Services SA with over 40 years of experience. Steve was involved with the creation of both the New Textual/Diagram sheet plan format and the Plan Presentation Requirements.



CONTENTS

This is Part 2 of 2 regarding easement rules, including:

- Extinguishment of easements
- Variation of easements
- Easements in a Community plan
- Case Studies





Extinguishment of Easements

Extinguishment by Sec 90C of the *Real Property Act 1886*

- Both dominant and servient merge together
- The Dominant land is absorbed into the same parcel as the Servient
- Always check if there is any dominant land left
- Do not show Sec 90C note and an extinguishment note

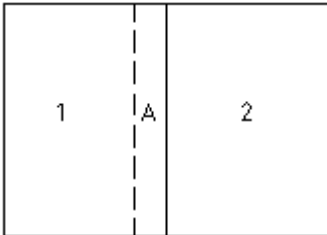




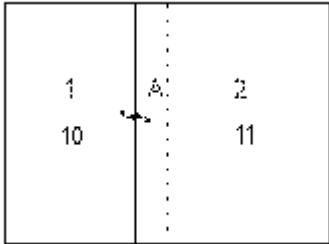
Extinguishment of Easements

Case study of when Sec 90C of the *Real Property Act* should and should not be used

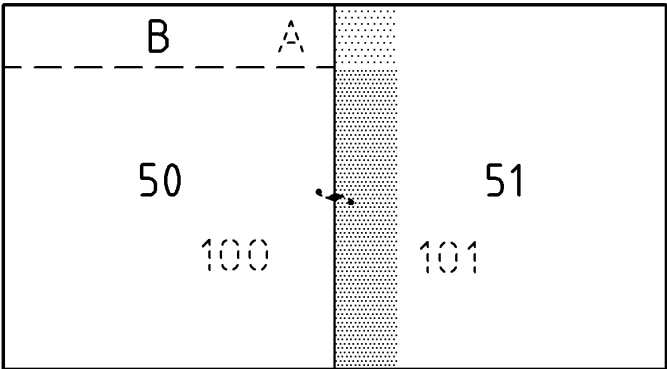
BEFORE



AFTER



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



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	





Extinguishment of Easements

Extinguishment by Sec 90E of the *Real Property Act 1886*

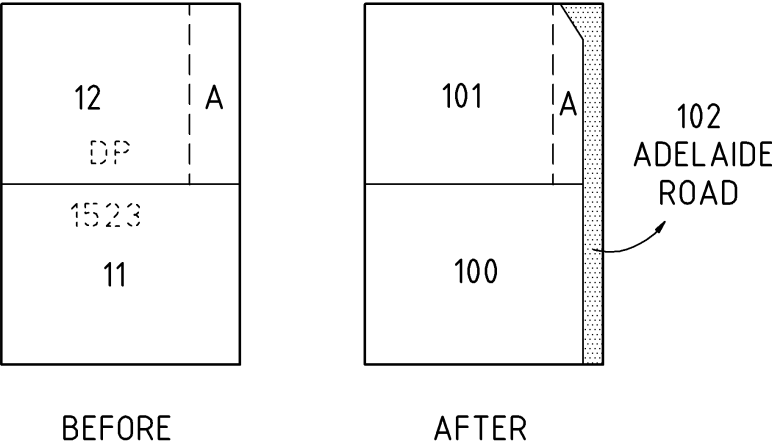
- Where rights and Free and Unrestricted Rights of Way over public road are extinguished
- Where land subject to rights of way is to vest as a public road in a plan of division the right of way is extinguished
- When dealing with land that has a Dominant right over a road a search must be done to find out if the road is public
- Do not show Sec 90E Note and an Extinguishment note





Extinguishment of Easements

Case study of an extinguishment by Sec 90E of the *Real Property Act*



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							





Extinguishment of Easements

Extinguishment by Sec 223LF 2(b)

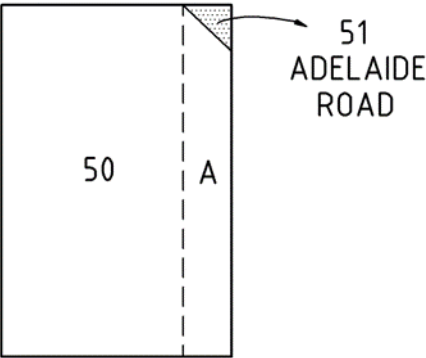
- Land that has an easement and vests as Road/Reserve can be extinguished by Sec 223LF 2(b) and must have an Extinguishment note
- The Allot No with (Road/Reserve) must be shown in the Land Burdened
- The dealing can be an RTU
- The Other Titles Affected must be completed





Extinguishment of Easements

Case study of an extinguishment by Sec 223LF (2) (b) of the *Real Property Act*



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





Extinguishment of Easements

Cessation of Easements

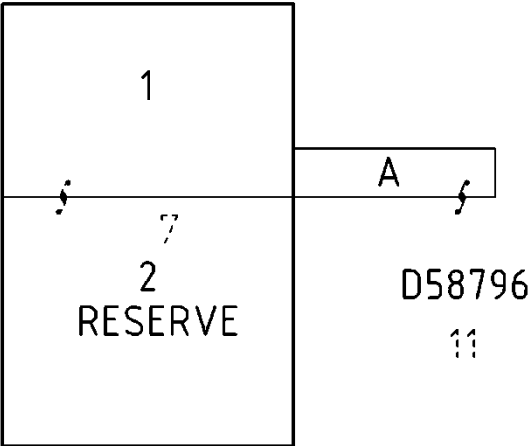
- Dominant Easements cease where the dominant land vests as Road/Reserve
- A note is not shown for these Easements
- The dominant easement can be carried forward if required





Extinguishment of Easements

Case study of cessation of easement



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





Variation of Easements

Where the dominant land is reduced and increased, a variation can be used.

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





Variation of Easements

A variation to an easement must not be used to:

- Reduce the appurtenance of an easement
- Change the purpose

Where the position of easement is changing, a new Identifier must be used.

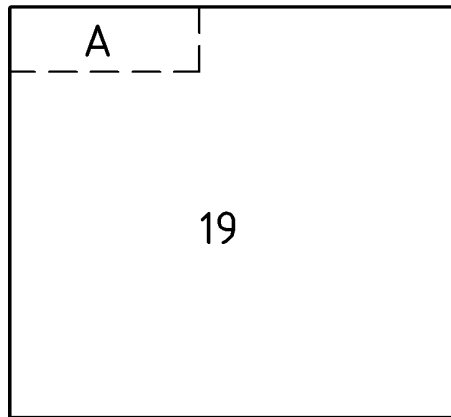
Where only the **In Favour of** is changing, the same Identifier must be used.



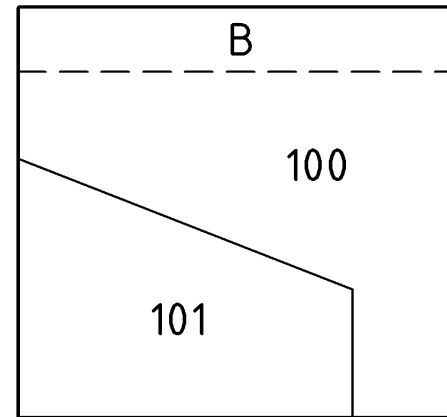


Variation of easements

Case study of a variation of an easement



BEFORE



AFTER

EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
VARY FROM	19 IN D47625	LONG	EASEMENT(S)	A IN D47625		5 IN D59963	T 9112356
VARY TO	100	LONG	EASEMENT(S)	B		5 IN D59963	T 9112356





Easements in a community plan

The following easements do not need to be created in a Community plan:

- 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
- For 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

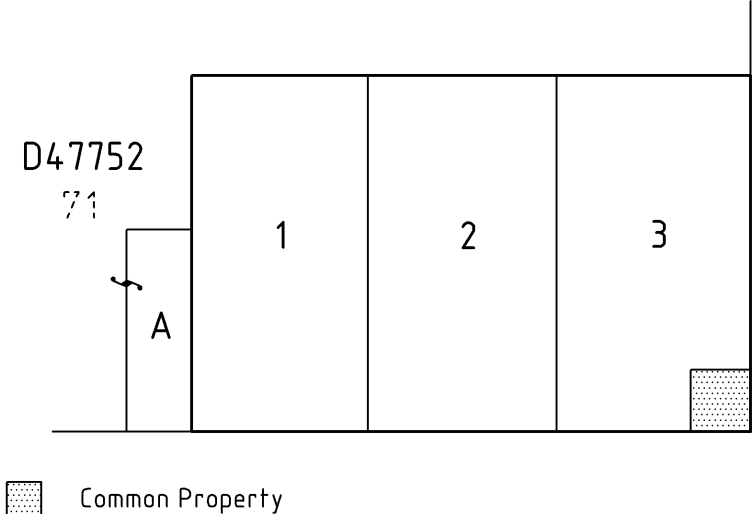
Easements can be created, varied or extinguished on a community plan and are a condition for plan deposit





Easements outside a community Plan

Service and private easements can be created outside the BBL's of a Community Plan



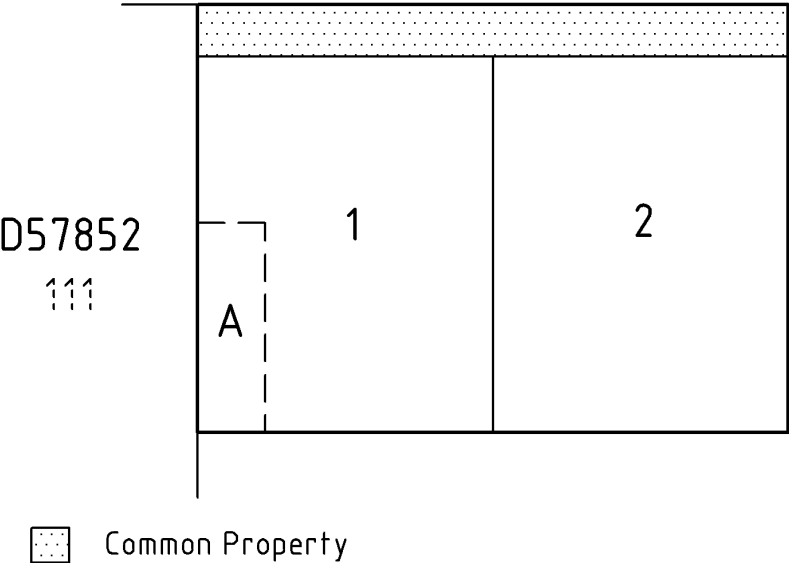
EASEMENT DETAILS							
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	71 IN D47752	SERVICE	EASEMENT(S)	A	FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG





Easements inside a community plan

The Dominant land must not be shown on the diagram sheet but referred to in the IN FAVOUR OF

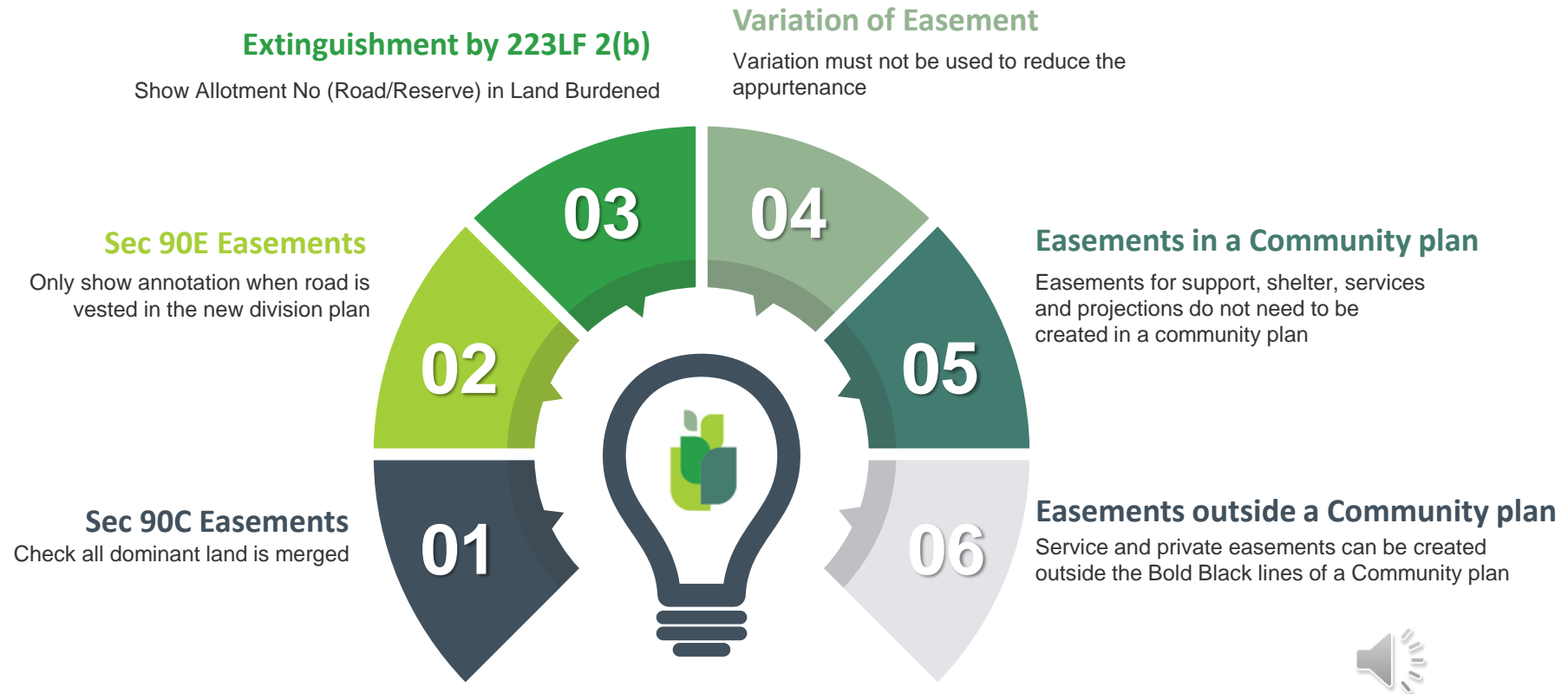


EASEMENT DETAILS						
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF
NEW	1	SHORT	EASEMENT(S)	A	FOR SEWERAGE PURPOSES	111 IN D57852





Summary of Key Points



Industry Education Hub



Land Services SA partner with the SA Government and relevant Industry Bodies to deliver a range of Educational Materials to support property industry professionals. This webpage is dedicated to the publication of Industry Education Materials to assist conveyancing and survey professionals.

Hot Tip:
Keep updated on
LSSA's webinars and
video's

Industry Education Series	+
eConveyancing	+
Digital Plan Lodgement	+
SAILIS Video Tutorials	+
Land Services SA Fact Sheets	+



Questions

