



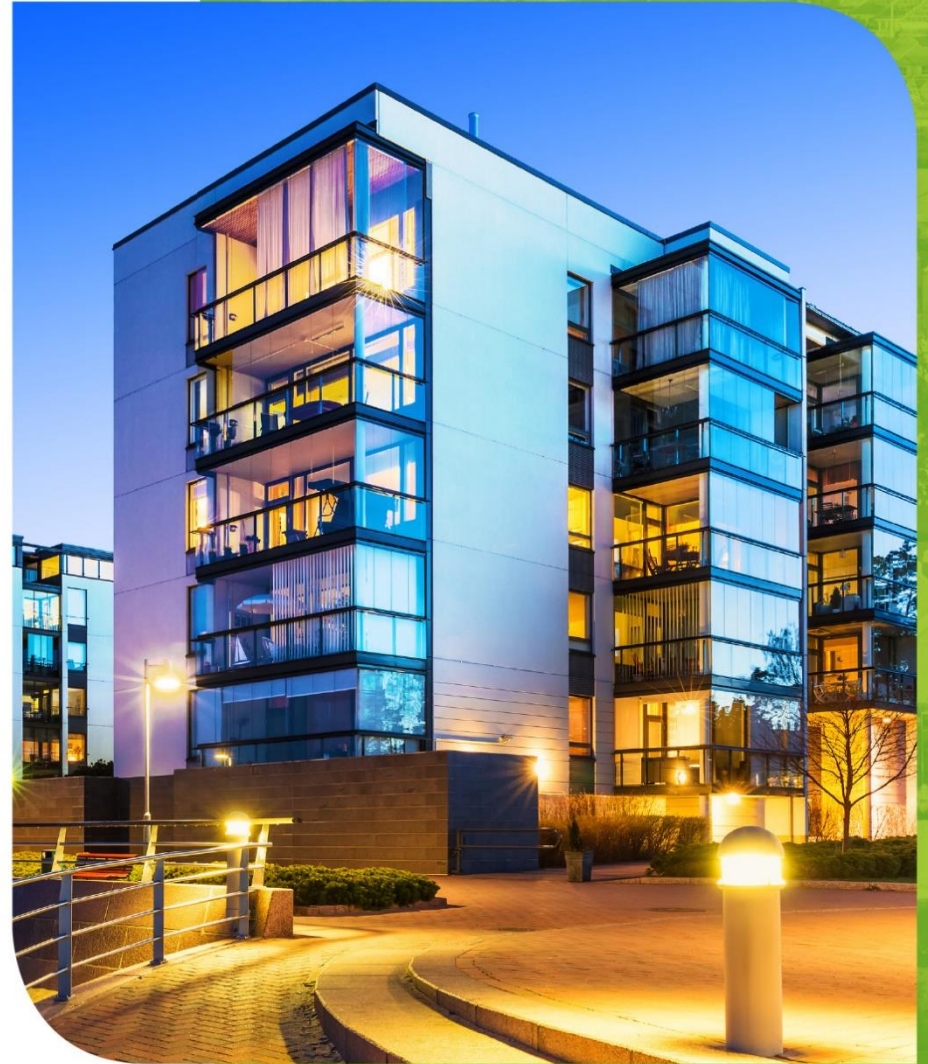
Industry Education Webinar

RTU or RTC

Which form to use?

September 2020

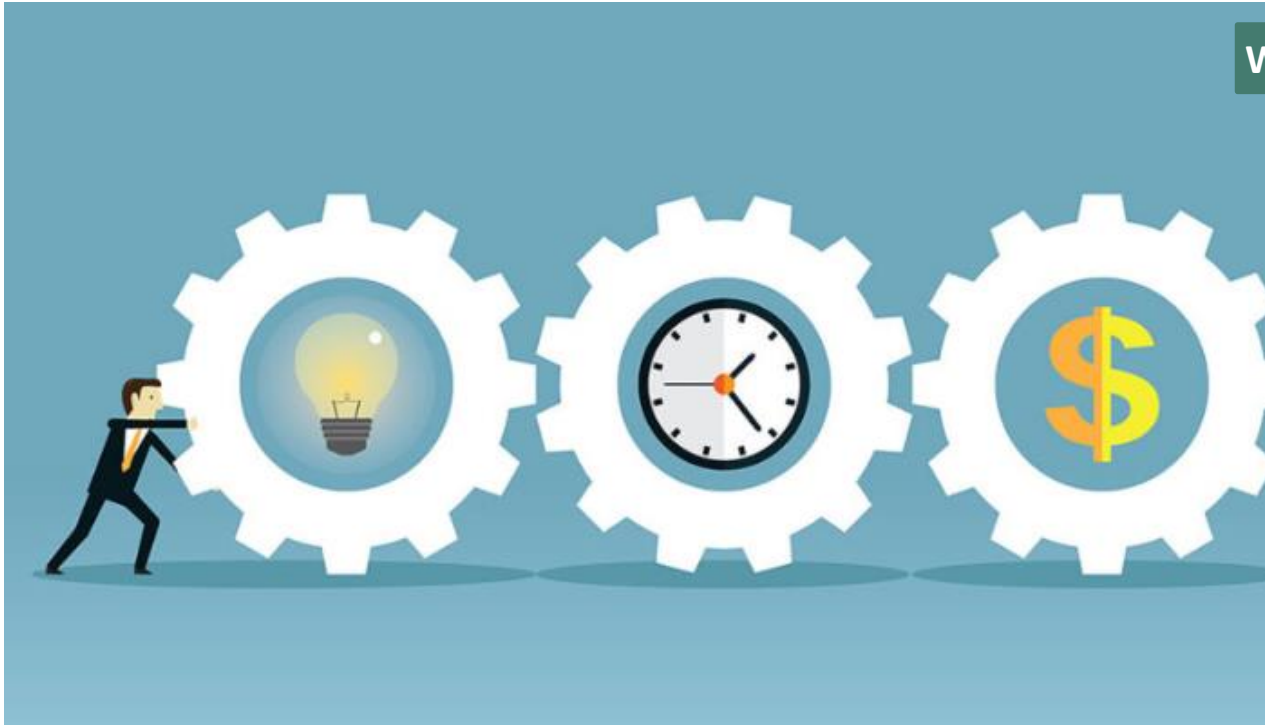
landservices.com.au





Industry Education Program

Land Services SA is committed to providing an excellent Customer Experience



Why are we doing this?

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



About our Land Services Team



Sandy Beaglehole is a Property Examiner within Land Services SA. She has over 36 years experience in numerous positions within Land Services SA and has spent the last 6 years as a Property Examiner.

John Ikonomopoulos is a Property Examiner within Land Services SA. He has over 23 years' experience in numerous areas of Land Information Services and has work on various projects. Current area of focus are examining division applications and studying to become a Registered Conveyancer.



CONTENTS

- Steps to take to determine which document to use
- What is not a Transaction and when to use an RTU
- What is a Transaction and when to use an RTC
- Example One
- Example Two
- Example Three
- Example Four
- Points to remember
- RTU or RTC





Which Document should I use?

1. Use an Approved copy of the Deposited plan – Reviewing the Easement Schedule to check for any Creation/Extinguishment or Variation of Easement notes
2. Current copies of the Register Search



When to use an **RTU**

Dividing one or more titles into two or more allotments :

No Transaction

1. **No** change to ownership or registered interests (except Land Management Agreements or Native Vegetation Agreements (see Tip 2 below))
2. Creation of a **Service** Easement
3. Vesting of Allotments as Public Road and Reserves
4. Extinguishment of Easement over land vesting as Public Road
5. Extinguishment of Easement or Right of way over land vesting as a Reserve

Tip 1: All titles need to have the same Registered Proprietors, same mode of holding and same registered interests

Tip 2: These Agreements can be varied or terminated in the consent form (See Notice to Lodging Party 158 and 161)



When to use an **RTC**

Dividing one or more titles into two or more allotments :


Transactions

1. Vesting between the registered owners
2. Changing Mode of Holding (eg Tenants in Common to Joint Tenants)
3. Vesting of an Allotment to a third party (can only be a Minister, Commissioner of Hwys etc)
4. Discharging or extending registered interests eg Mortgages, Encumbrances etc
5. Creation of a Short or Long form Easement/Right of Way
6. Variation of a Service Easement/Short or Long form Easement/Right of Way
7. Extinguishment of a Service Easement/Short or Long form easement/Right of Way

Example One



APPROVED - NOT YET DEPOSITED

PURPOSE:	DIVISION	AREA NAME:	WOODCROFT	APPROVED:	JOHN IKONOMPOULOS 01/03/2017	 D115179 SHEET 1 OF 4 <small>56580_text_01_v03_Version_3</small>				
MAP REF:	6628/13/K	COUNCIL:	CITY OF ONKAPARINGA	DEPOSITED:						
LAST PLAN:	D95690	DEVELOPMENT NO:	490/D047/10/003/46924							
AGENT DETAILS:		LSG DEMO & TEST 101 GRENFELL ST ADELAIDE TAZ 5000 PH: 8226 3178 FAX: PETER.LAWSON3@SA.GOV		SURVEYORS CERTIFICATION:		I John Ikonomopoulos, a licensed surveyor do hereby certify - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992. 2) That the field work was completed on the 1st day of March 2017 1st day of March 2017 John Ikonomopoulos Licensed Surveyor				
AGENT CODE:		LTRO		REFERENCE:		1515				
SUBJECT TITLE DETAILS:										
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	6187	205		ALLOTMENT(S)	1002	D	95690	NOARLUNGA		
CT	6187	206		ALLOTMENT(S)	1003	D	95690	NOARLUNGA		
OTHER TITLES AFFECTED:										
EASEMENT DETAILS:										
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF		CREATION		
EXTINGUISH	203 (EVANS CRESCENT)	SHORT	EASEMENT(S)	A IN D95690	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION		RTC 12416251		
NEW	2000	SHORT	FREE AND UNRESTRICTED RIGHT(S) F OF WAY			THE COUNCIL FOR THE AREA				
ANNOTATIONS:										

Extinguishment
Note : When an
easement is
being
extinguished as
the land is
vesting as Public
Road eg
203 (Evans
Crescent)
- RTU or RTC


New Short
form
Easement is
being created
- RTC

What to look
for on a plan
of Division

Hint: The consent
is required from SA
Water consenting to the
extinguishment of
Easement
The consent is required
from the Council
accepting
the new **short** form
Free Unrestricted
Right of way



Example Two

PURPOSE:	DIVISION	AREA NAME:	MOANA	APPROVED:	25/08/2020	 D130500 SHEET 1 OF 3 103334_text_01_v03_Version_3			
MAP REF:	6527/25/F, 6527/25/E	COUNCIL:	CITY OF ONKAPARINGA	DEPOSITED:					
LAST PLAN:	D114490	DEVELOPMENT NO:	145/D086/12/010/59671						
AGENT DETAILS:	FYFE PTY LTD LEVEL 1, 124 SOUTH TERRACE ADELAIDE SA 5000 PH: 82019600 FAX: AGENT CODE: ALRF REFERENCE: 17420/10 DC10-R2			SURVEYORS CERTIFICATION:	I CHRISTOPHER JOHN MILLETT, a licensed surveyor do hereby certify - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992. 2) That the field work was completed on the 1st day of April 2020 13th day of July 2020 Christopher Millett Licensed Surveyor				
SUBJECT TITLE DETAILS:									
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	7020	692		ALLOTMENT(S)	1007	D	130245 WILLUNGA		
OTHER TITLES AFFECTED:									
EASEMENT DETAILS:									
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF			CREATION
NEW	1017	SERVICE	EASEMENT(S)	E(T/F)	FOR ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)			223LG RPA
NEW	1017	SERVICE	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	THE COUNCIL FOR THE AREA			223LG RPA
NEW	1017	SERVICE	EASEMENT(S)	S	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION			223LG RPA
ANNOTATIONS:									

3 New **Service** Easements are being created therefore **RTU** can be used

Hint: No consents required except a Section 31 Certificate from SA Power Network for the new Service easement to Distribution Lessor Corporation



Example Three

Certificate of Title – Volume 6923 Folio 5	
Parent Title(s)	CT6723/222
Creating Dealing(s)	CONVERTED TITLE
Title Issued	30/04/1997
Diagram Reference	
Estate Type	
FEE SIMPLE	
Registered Proprietor	
<u>MARY BROWN</u>	
<u>DAVID BROWN</u>	
OF PO BOX 120	
ADELAIDE SA 5001	
<u>AS JOINT TENANTS</u>	
Description of Land	
ALLOTMENT 100 DEPOSITED PLAN 53946	
IN THE AREA NAMED WOODCROFT	
HUNDRED OF ONKAPARINGA	
Easements	
NIL	

Certificate of Title – Volume 6834 Folio 10	
Parent Title(s)	CT6764/2
Creating Dealing(s)	CONVERTED TITLE
Title Issued	3/08/1996
Diagram Reference	
Estate Type	
FEE SIMPLE	
Registered Proprietor	
<u>MARY BROWN</u>	
OF PO BOX 120	
ADELAIDE SA 5001	
<u>1/2 SHARE</u>	
<u>DAVID BROWN</u>	
OF PO BOX 120	
ADELAIDE SA 5001	
<u>1/2 SHARE</u>	
Description of Land	
ALLOTMENT 101 DEPOSITED PLAN 53946	
IN THE AREA NAMED WOODCROFT	
HUNDRED OF ONKAPARINGA	
Easements	
NIL	

**Same owners registered on
the two titles but different
Mode of holding**

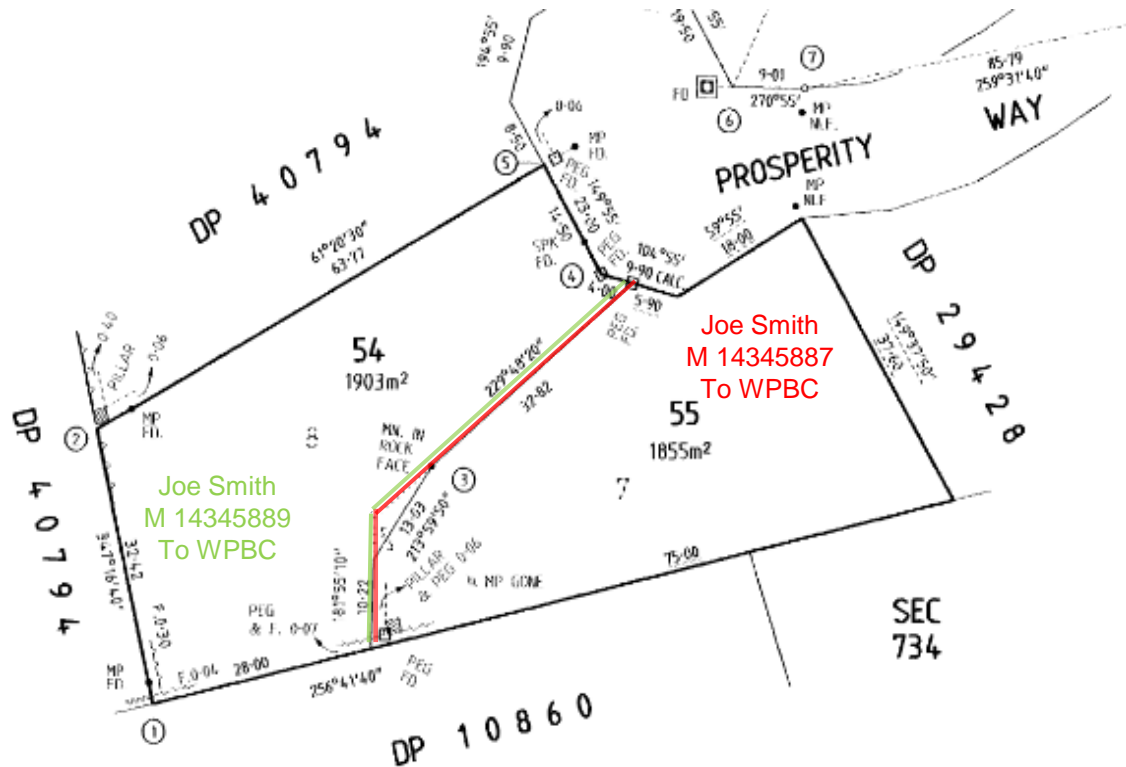
CT6923-5 - Joint Tenants

CT6834-10 Tenant in
Common

Cannot use RTU
Must use RTC



Example Four



Joe Smith owns one title
with Mortgage
14345889 to Westpac

Joe Smith owns one title
with Mortgage
14345887 to Westpac

The boundaries are being
changed and creating new
Allotments
54 and 55

Even though same Mortgagees
the Mortgages have
different numbers therefore
cannot use RTU
need to use RTC



Points to Remember

If unsure which document to use then it is always safe to use an **RTC** document. An RTC will be accepted even though a RTU document could have been used.

If an RTU is lodged and the RTC should have been lodged then this can **delay** issuing of new titles. The steps that would need to be taken are

- A letter asking for the RTU to be fully withdrawn and a statement that all parties are aware of the full withdrawal.
- A new RTC document will need to be lodged with all the new fees. Land Services SA cannot transfer the fees from the RTU to the RTC.

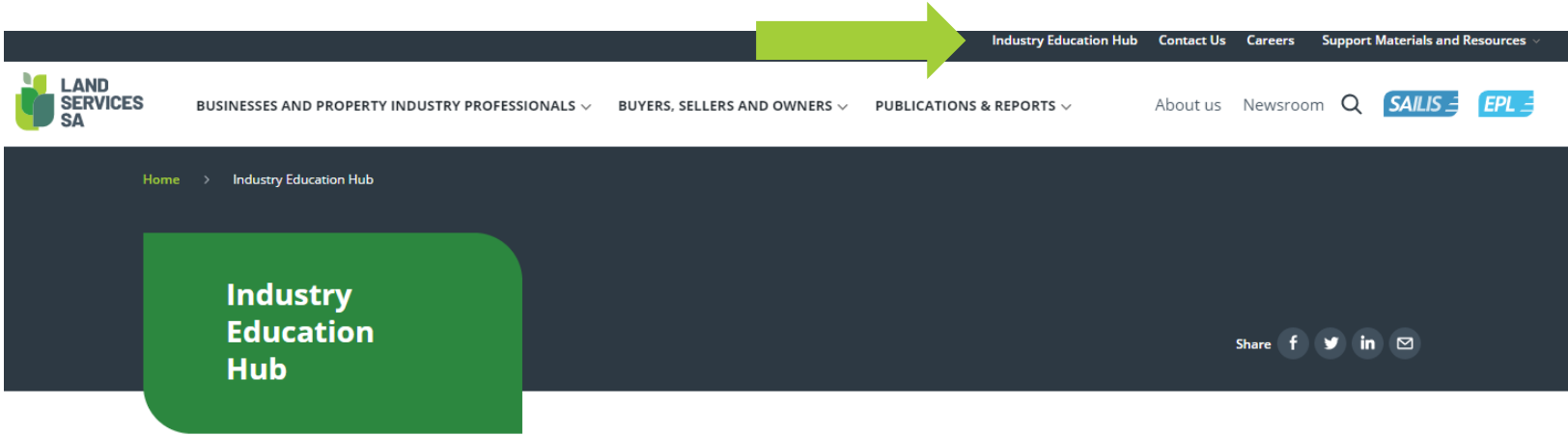


RTU or RTC

RTU – no transactions	RTC - transactions
<ul style="list-style-type: none">• <u>No</u> change to ownership	<ul style="list-style-type: none">• Vesting/Transferring between the registered owners
<ul style="list-style-type: none">• <u>No</u> change to registered interests (except Land Management Agreements or Native Vegetation Agreements)	<ul style="list-style-type: none">• Changing Mode of Holding (eg Tenants in Common to Joint Tenants)
<ul style="list-style-type: none">• Creation of a <u>Service</u> Easement	<ul style="list-style-type: none">• Vesting of an Allotment to a third party (can only be a Minister, Commissioner of Hwys etc)
<ul style="list-style-type: none">• Vesting of Allotments as Road and Reserves	<ul style="list-style-type: none">• Discharge or extending registered interests (Adjustments) eg Mortgages, Encumbrances, Agreements etc
<ul style="list-style-type: none">• Extinguish of Easement over land vesting as Public Road	<ul style="list-style-type: none">• Creation of a Short or Long form Easement/Right of Way
<ul style="list-style-type: none">• Extinguish of Easement or Right of way over land vesting as a Reserve	<ul style="list-style-type: none">• Variation of a Service Easement/Short or Long form Easement/Right of Way
	<ul style="list-style-type: none">• Extinguishment of a Service Easement/Short or Long form easement/Right of Way



Industry Education Hub



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

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 professionals. The first set of materials consists of a series of short training videos focusing on key requirements of eConveyancing in the lead up to 3 August 2020, the date set for mandating of eConveyancing in South Australia.

These videos have been published by topic to enable practitioners to select and watch videos relevant to them at their convenience.

eConveyancing Series

Training Video	Relevant Support Materials
----------------	----------------------------

An aerial photograph of a suburban neighborhood, showing numerous houses with varying rooflines and colors, interspersed with lush green trees. The entire image is covered with a semi-transparent green overlay. The word "Questions" is written in white, sans-serif font, positioned to the right of a short vertical white line.

Questions