

CONVEYANCING ACT 1919—REGULATION

(Relating to land under the Real Property Act 1900)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Conveyancing Act 1919, has been pleased to make the Regulation set forth hereunder.

GEORGE SOURIS, M.P.,
Minister for Land and Water Conservation.

Commencement

1. This Regulation commences on 1 September 1993.

Amendments

2. The Conveyancing (General) Regulation 1992 is amended:

- (a) by omitting the definition of “deposited plan” in clause 3 (1) and by inserting instead the following definition:

“**deposited plan**” means a plan lodged for registration in the office of the Registrar-General, other than a plan required to be registered under some other Act such as the Strata Titles Act 1973, the Strata Titles (Leasehold) Act 1986 or the Community Land Development Act 1989;

- (b) by omitting from clause 22 (3) the words “the council clerk” and by inserting instead the words “a person duly authorised by the council to attest to the granting of the council’s approval”;
- (c) by inserting after Division 3 of Part 3 the following Division:

Division 4—Additional provisions with respect to land under the Real Property Act 1900**Application of Division**

30A. This Division applies to deposited plans with respect to land that is subject to the provisions of the Real Property Act 1900.

Deposited plan relating to a limited folio

30B. A deposited plan which affects land comprised in a limited folio (within the meaning of the Real Property Act 1900) must be a plan of survey.

Numbering of parcels if part of Land not subject to the Real Property Act 1900

30C. (1) If part of a parcel of land in a deposited plan is not subject to the provisions of the Real Property Act 1900, that part and the part subject to the provisions of that Act must be separately numbered.

(2) Each part is to be regarded as a separate parcel for the purposes of this Regulation.

(3) This clause does not apply to a Crown plan or to a deposited plan that is prepared for the purposes of a primary application, or the creation of a qualified or limited folio, under the Real Property Act 1900.

Subdivision or consolidation of part of land in a folio

30D. (1) If a proposed subdivision or consolidation of land does not comprise the whole of a parcel of land described in a folio of the Register kept under the Real Property Act 1900, the deposited plan of the subdivision or consolidation must show the residue to scale.

(2) The residue must be numbered as a separate parcel.

(3) If the boundaries of the residue are extensive, the part of the plan showing the residue may be compiled, and the bearings for the boundaries omitted, unless the Registrar-General otherwise requires.

(4) This clause does not apply to a deposited plan prepared solely for the purpose of showing the site of a public railway or irrigation channel unless a folio of the Register kept under the Real Property Act 1900 is to be created for the site.

Alteration of boundaries of strata title common property

30E. (1) A deposited plan of subdivision or consolidation lodged for the purpose of altering the external boundaries of common property:

- (a) created under the Strata Titles Act 1973 or the Strata Titles (Leasehold) Act 1986; and
- (b) held by a body corporate constituted under the relevant Act; and
- (c) comprised in a folio of the Register kept under the Real Property Act 1900,

must show to scale the whole of the common property as it will subsist after the alteration.

(2) The common property must be numbered as a separate parcel in the plan.

- (d) by omitting from items 8, 10 and 11 of Schedule 7 the words “Departmental Copy Services” wherever occurring and by inserting instead the words “Document Copy Service”;
- (e) by omitting item 17 from Schedule 7 and by inserting instead the following items:

17.	On lodgment for registration or recording of a plan, other than a plan prepared solely for the purpose of placing survey information on public record.....	410.00
	In addition, for each lot, allotment or portion shown or separately defined on the plan	50.00
	And, if the plan is accompanied by a section 88B instrument in which only 1 easement, restriction on the use of land, positive covenant or profit à prendre is identified, irrespective of the number of lots burdened or benefited, an additional	50.00
	And, if the plan is accompanied by a section 88B instrument in which the combined number of easements, restrictions on the use of land, positive covenants or profits à prendre is 2 or more, an additional	100.00
	And, if the plan is lodged for the purpose of consolidating 2 or more folios of the Register kept under the Real Property Act 1900—for each folio of the Register to be consolidated, an additional.....	12.50
	And, if a plan lodged in connection with an application to bring land under the Real Property Act 1900 includes land already under that Act and a consolidated folio of the Register kept under that Act is to be created—for each folio to be consolidated, an additional	12.50

1993—No. 436

17A.	For recording a plan prepared solely for the purpose of placing survey information on public record	50.00
17B.	For re-investigating a plan if survey information has been added to an original compiled plan as a result of a requisition	50.00
(f) by inserting at the end of item 23 in Schedule 7 the following matter:		
In addition, if the application involves the amendment of a Crown grant, certificate of title or folio of the Register kept under the Real Property Act 1900:		
(a)	for the first grant, certificate or folio	50.00
(b)	for each grant, certificate or folio after the first	6.00

EXPLANATORY NOTE

The object of this Regulation is to amend the Conveyancing (General) Regulation 1992 as a consequence of the making of the Real Property Regulation 1993. The effect of the amendments is:

- (a) to make provision with respect to the lodging of deposited plans affecting land under, or for the purpose of bringing land under, the provisions of the Real Property Act 1900; and
- (b) to fix the fees with respect to the registration of such deposited plans.

This Regulation is made under the Conveyancing Act 1919, including section 202 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
