



New South Wales

Conveyancing (General) Amendment (Strata Schemes) Regulation 1997

under the
Conveyancing Act 1919

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

KIM YEADON, M.P.,
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to amend the *Conveyancing (General) Regulation 1992* so as:

- (a) to simplify the requirements of that Regulation concerning deposited plans, and
- (b) to make minor amendments consequential on the repeal and remaking of certain provisions of the *Strata Titles Act Regulations 1974* to be effected by the *Strata Schemes (Freehold Development) Regulation 1997*, and
- (c) to make minor amendments consequential on the repeal and remaking of certain provisions of the *Strata Titles (Leasehold) Regulation 1989* to be effected by the *Strata Schemes (Leasehold Development) Regulation 1997*.

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*.

1997 No 261

Clause 1 Conveyancing (General) Amendment (Strata Schemes) Regulation 1997

Conveyancing (General) Amendment (Strata Schemes) Regulation 1997

1 Name of Regulation

This Regulation is the *Conveyancing (General) Amendment (Strata Schemes) Regulation 1997*.

2 Commencement

This Regulation commences on 1 July 1997.

3 Amendment of Conveyancing (General) Regulation 1992

The *Conveyancing (General) Regulation 1992* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit “other than a plan lodged for registration under the *Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*” from the definition of deposited plan in clause 3 (1).

Insert instead “other than a strata plan”.

[2] Clause 3 (1), definition of “Register of Plans”

Insert “and strata plans registered under the *Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*” after “Act”.

[3] Clause 3 (1), definition of “section 88B instrument”

Omit the definition of *section 88B instrument*.

Insert instead:

section 88B instrument means an instrument of a kind that:

- (a) under clause 26, is required to accompany a deposited plan that creates an easement, profit à prendre, restriction or positive covenant, or
- (b) under clause 26A, is required to accompany a deposited plan that releases an easement,

under section 88B of the Act, and includes a section 88B instrument within the meaning of the *Strata Schemes (Freehold Development) Regulation 1997* or the *Strata Schemes (Leasehold Development) Regulation 1997*”.

strata plan means a strata plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan within the meaning of the *Strata Titles (Freehold Development) Act 1973* or the *Strata Titles (Leasehold Development) Act 1986*.

1997 No 261

Conveyancing (General) Amendment (Strata Schemes) Regulation 1997

Schedule 1 Amendments

[4] Clauses 15–17

Omit the clauses. Insert instead:

15 Numbering of parcels

- (1) All parcels of land (including parcels intended for public reserves and drainage reserves, but excluding public roads) must be numbered consecutively in strict numerical sequence.
- (2) Parcels must not be identified by reference to a “section” or “block”.
- (3) The complete dimensions (including area) of each parcel must be shown.

[5] Clause 18 Other information on plans

Omit clause 18 (1), (3) and (4).

[6] Clause 25 Indication of dedication of public roads or creation of reserves

Omit “must be legibly printed in dense black waterproof ink or dense black plastic ink”.

Insert instead “must be set out on the plan form”.

[7] Clause 26 indication of creation of easements

Omit “in dense black waterproof ink or dense black plastic ink” from clause 26 (1) (a).

[8] Clause 26A Indication of release of easement

Omit “in dense black waterproof ink or dense black plastic ink” from clause 26A (a).

[9] Clause 26A (b)

Insert “relevant” after “included in the”.

[10] Clause 26A (2)

Insert at the end of clause 26A:

- (2) The deposited plan must be accompanied by an instrument (a *section 88B instrument*) that complies with Division 3.

[11] Clause 30 Registration of section 88B instruments

Insert “or strata plan” after “deposited plan”.

[12] Schedule 4

Omit the Schedule. Insert instead:

Schedule 4 Requirements for deposited plans

(Clause 19)

1 Material on which plan to be drawn

- (1) Each plan sheet must consist of a polyester film, or some other medium approved by the Registrar-General.
- (2) A plan must be drawn on one side of a plan sheet only, and must be drawn on a matt surface.
- (3) Each plan sheet must be free from blemishes and creases.

2 Use of plan forms

- (1) The first sheet of a deposited plan must be in the form of Plan Form 1 or Plan Form 2.
- (2) Any land that cannot satisfactorily be shown on one sheet may be shown on one or more (but not more than 3) additional sheets in the form of
 - (a) Plan Form 1, if the first sheet of the plan is in the form of Plan Form 1, or
 - (b) Plan Form 3, if the first sheet of the plan is in the form of Plan Form 2.

- (3) **Plan** Forms are to have the following dimensions:
- (a) Plan Form 1 must have external dimensions of 420 millimetres by 297 millimetres (standard A3 size) and a plan drawing area of 273 millimetres by 226 millimetres,
 - (b) Plan Form 2 must have external dimensions of 594 millimetres by 420 millimetres (standard A2 size) and a plan drawing area of 400 millimetres by 396 millimetres,
 - (c) Plan Form 3 must have external dimensions of 594 millimetres by 420 millimetres (standard A2 size) and a plan drawing area of 490 millimetres by 400 millimetres.
- (4) If it is not practicable for a plan to be set out in Plan Form 1, 2 or 3, the plan may, if the Registrar-General permits, be prepared on some other plan form in accordance with such requirements as the Registrar-General may impose.

3 Margins

- (1) A margin of at least 10 millimetres must be left around the plan drawing area of each plan sheet.
- (2) No printing, writing or other notation (other than directions or notations authorised by the Registrar-General) must appear in, or extend into, the margin.

4 Lettering

Unless the Registrar-General otherwise approves, all words, letters, figures and symbols appearing on a plan:

- (a) must be drawn in dense black waterproof ink or dense black plastic ink, and
- (b) must be shown in capital letters (except as otherwise provided by this Schedule), and
- (c) must be open in formation and construction, and
- (d) must be drawn in an upright style.

5 Use of colouring and edging prohibited

Neither colouring or edging are to be used on a plan sheet.

6 Clarity of detail

The plan must be drawn in a manner and to a scale that allows all details and notations to be clearly reproduced by the copying processes used by the Registrar-General.

7 Alterations

- (1) A plan may be altered only by striking through the matter to be altered.
- (2) In particular, a plan may not be altered by the use of liquid paper or by rubbing, scraping or cutting the surface of the plan sheet.
- (3) The Registrar-General may require a plan sheet to be replaced if, in the opinion of the Registrar-General, any alteration on the sheet will render it unsuitable for copying.

8 Information to be included on plan sheets

- (1) Each plan sheet in a series of plan sheets must be numbered consecutively, in the form "Sheet ... of ... sheets".
- (2) Each plan sheet must contain a north point (directed upwards) and must also specify the orientation to which the north point relates.
- (3) Any separate diagrams or tabulations of dimensions or marks used in an additional sheet must be shown on the sheet.
- (4) No information (other than the plan and any separate diagrams and tabulations of dimensions and marks relating to the plan) is to appear within the plan drawing area of a plan sheet.
- (5) Any signature or seal that cannot satisfactorily be shown on the plan sheet may be shown on an additional plan sheet.

9 Linear dimensions

- (1) Linear measurements must be expressed in metres, correct to 3 decimal places, without any accompanying symbol.
- (2) If a length of less than one metre is shown, the decimal point must be preceded by the numeral "0".

10 Area dimensions

- (1) Area measurements must be expressed as follows:
 - (a) areas of less than one hectare must be expressed in square metres, accompanied by the symbol "m²", and
 - (b) areas of one hectare or more must be expressed in hectares (using not more than 4 significant figures), accompanied by the symbol "ha", and
 - (c) areas of 10 000 hectares or more must be expressed in square kilometres, accompanied by the symbol "km²".
- (2) The total area of a parcel:
 - (a) must be shown within or relevant to the most significant part of the parcel, and
 - (b) must be the exact mathematical total of the areas shown elsewhere in the plan within or relevant to the component parts of that parcel.

11 Reduction ratio

There must be a statement on each sheet of the reduction ratio at which the plan is drawn.

12 Identification of adjoining lands

The identities of all adjoining lands must be shown.

13 Identification of easements

- (1) A plan must contain sufficient information to define the site of
 - (a) any easement intended to be created as a consequence of the registration of the plan, and

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- (b) any easement intended to be partially released as a consequence of the registration of the plan, and
 - (c) any proposed easement, or proposed variation or partial release of an easement, other than an easement referred to in paragraph (a) or (b),

and, where necessary, must also contain sufficient information to indicate the relationship of any such easement to the boundaries of any affected parcel or lot.

- (2) The site, nature and origin of any existing easement affecting a parcel or lot in a plan, and its relationship to the boundaries of that parcel, must be shown wherever possible. **Origin**, in relation to an existing easement, means the Gazette reference or registration number of the instrument or plan by which the easement was granted, reserved, notified or otherwise created.
- (3) If an easement is in respect of an existing tunnel, pipe, conduit, wire or other similar object which is underground or is within or beneath an existing building, it is sufficient to indicate on the plan the approximate position of the easement.