



New South Wales

Conveyancing (General) Amendment Regulation 1998

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*.

RICHARD AMERY, M.P.,
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to amend the *Conveyancing (General) Regulation 1992* as a consequence of the amendment of the *Conveyancing Act 1919* (the **Principal Act**) by the *Environmental Planning and Assessment Amendment Act 1997*. The amendments:

- (a) provide for the manner in which plans of subdivision for lease purposes (within the meaning of Division 3B of Part 2 of the Principal Act) are to be endorsed (proposed clause 18 (3)), and
- (b) prescribe various plans as **miscellaneous plans** for the purposes of Division 3 of Part 23 of the Principal Act (proposed clause 23A), and
- (c) prescribe various matters as matters that constitute plans as **plans of identification** for the purposes of Division 3 of Part 23 of the Principal Act (proposed clause 23B), and
- (d) make provision of a savings and transitional nature consequent on the enactment of the *Environmental Planning and Assessment Amendment Act 1997* (proposed clause 44), and
- (e) substitute the various Plan Forms in Schedule 2 with new Plan Forms (proposed Plan Forms 1, 1A, 2, 2A and 3) and make consequential amendments to Schedule 4.

This Regulation is made under the *Conveyancing Act 1919*, including section 202 (the general regulation-making power), sections 23H, 195 and 195C and clause 1 of Schedule 9.

Conveyancing (General) Amendment Regulation 1998

1 Name of Regulation

This Regulation is the *Conveyancing (General) Amendment Regulation 1998*.

2 Commencement

This Regulation commences on the day appointed under section 2 of the *Environmental Planning and Assessment Act 1997* for the commencement of that Act*.

3 Amendment of Conveyancing (General) Regulation 1992

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

4 Notes

The explanatory note does not form part of this Regulation.

* The regulation (statutory rule) provided that it was to commence on the day appointed under section 2 of the Environmental Planning and Assessment Act 1997 (presumably an intended reference to the Environmental Planning and Assessment Amendment Act 1997). The day so appointed for the commencement of the Environmental Planning and Assessment Amendment Act 1997 was 1.7.1998. Pursuant to section 39 (2A) of the Interpretation Act 1987, the regulation is not invalid merely because the regulation was published in the Gazette after the day on which one or more of its provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which the regulation is published in the Gazette, instead of from the earlier day.

Schedule 1 Amendments

(Clause 3)

[1] Clause 18 Other information on plans

Insert after clause 18 (2):

- (3) In the case of a plan of subdivision for lease purposes (within the meaning of Division 3B of Part 2 of the Act), the plan must be endorsed by a subdivision certificate that states that the plan is a plan of subdivision for lease purposes.

[2] Clause 23A and 23B

Insert after clause 23:

23A Miscellaneous plans: section 195

For the purposes of paragraph (c) of the definition of *miscellaneous plan* in section 195 (1) of the Act, the following matters are prescribed as matters which, if shown on a plan, constitute the plan as a miscellaneous plan:

- (a) matter indicating the site of an easement, profit á prendre, restriction or positive covenant to be created under section 88B of the Act,
- (b) matter indicating the site of an easement or profit á prendre to be released under section 88B of the Act,
- (c) matter indicating minor adjustments to the boundaries of development lots and association property within the meaning of the *Community Land Development Act 1989* in such a manner as to constitute the plan as a boundary adjustment plan within the meaning of that Act.

- (d) matter indicating a division of land effected prior to 1 July 1920 by the erection of structures (such as buildings, walls and fences), being matter that states:
 - (i) that the various parts of the land so divided are separately rateable under the *Local Government Act 1993*, and
 - (ii) that the structures that are currently on the land are in the same position as were the structures by which the division of land was effected.

23B Plans of identification: section 195

For the purposes of paragraph (i) of the definition of *plan of identification* in section 195 (1) of the Act, the following plan is a plan of identification:

A plan supporting a primary application to bring land under the provisions of the *Real Property Act 1900*, being land in respect of which the applicant claims to have acquired title wholly or partly by adverse possession.

[3] Clause 44

Insert after clause 43:

44 Transitional provision consequent on enactment of Environmental Planning and Assessment Amendment Act 1997

- (1) This clause applies to:
 - (a) any plan of subdivision certified in accordance with section 327 (1) (d) or (2) (b) of the repealed Act, regardless of when the plan is certified or lodged with the Registrar-General for registration under the Principal Act, and
 - (b) any plan of the division of land (other than a plan of subdivision) lodged with the Registrar-General for registration under the Principal Act before the appointed day.

- (2) The provisions of:
- (a) Division 3 of Part 23 of the Principal Act, and
 - (b) this Regulation,

as in force immediately before the appointed day, apply to and in respect of a plan to which this clause applies as if the 1997 amending Act had not been enacted and the 1998 amending Regulation had not been made.

- (3) In this clause:

appointed day means the day appointed under section 2 of the 1997 amending Act for the commencement of that Act.

plan of subdivision has the same meaning as it had in section 327AA of the repealed Act.

Principal Act means the *Conveyancing Act 1919*.

repealed Act means the *Local Government Act 1919*, as in force immediately before the appointed day.

the 1997 amending Act means the *Environmental Planning and Assessment Amendment Act 1997*.

the 1998 amending Regulation means the *Conveyancing (General) Amendment Regulation 1998*.

[4] Schedule 2 Plan forms

Omit Plan Forms 1, 2 and 3. Insert instead:

PLAN FORM 1		Plan Drawing only to appear in this space		OFFICE USE ONLY	
<p>SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants</p>		13 mm		<p>D.P. Registered: C.A.: Title System: Purpose: Ref. Map: Last Plan:</p>	
<p>94 mm</p>		156 mm	276 mm	<p>PLAN Lengths are in metres Reduction Ratio 1: L.G.A.: Locality: Parish: County:</p>	
<p>Crown Lands Office Approval</p>		50 mm		<p>Plans used in preparation of survey/compilation</p>	
<p>PLAN APPROVED Land District: _____ Paper No: _____ Field Book: _____ Authorized Officer: _____ press</p>		31 mm		<p>Surveyors (Practical) Regulation 1996</p>	
<p>Subdivision Certificate I certify that the operations of s.109J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed _____ * (insert subdivision or 'one road') * Authorized Person/General Manager/Accredited Certifier</p>		45 mm		<p>I, a surveyor registered under the Surveyors Act, 1979, hereby certify that the survey represented in this plan is accurate, as taken in accordance with the Surveyors (Practical) Regulation 1996 and was completed on _____ to survey relating to _____ _____ here specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey) Datum Line: _____ Name: Suburban/Country _____ (Signature) _____ Surveyor registered under the Surveyors Act, 1979</p>	
<p>Consent Authority: _____ Date of instrument: _____ Accreditation no: _____ Subdivision Certificate no: _____ File no: _____</p>		44 mm		<p>60 mm</p>	
<p>Notes When the plan is to be lodged electronically in the Land Titles Office, it must include a paper copy in electronic or digital format approved by the Registrar-General * Details whichever is applicable</p>		90 mm		<p>4 mm Table 9</p>	
<p>SURVEYOR'S REFERENCE</p>		4 mm	4 mm	<p>WARNING CREAMING OR FOLDING WILL LEAD TO REJECTION</p>	

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Conveyancing (General) Amendment Regulation 1998

Amendments

Schedule 1

PLAN FORM 1A

* OFFICE USE ONLY

Plan Drawing only to appear in this space

<p>Registered: D.P.</p> <p>C.A.:</p> <p>Title System:</p> <p>Purpose:</p> <p>Ref. Map:</p> <p>Last Plan:</p> <p>PLAN</p> <p>Lengths are in metres Reduction Ratio 1:</p> <p>L.G.A.:</p> <p>Locality:</p> <p>Parish:</p> <p>County:</p> <p>Plans used in preparation of survey/compilation</p> <p>Surveyors (Practice) Regulation 1996</p>	<p>Registered under the Surveyors Act, 1929</p> <p>(Signature)</p> <p>Zone: Suburban/Country</p> <p>Datum Line:</p> <p>shown in the plan that is not the subject of the survey)</p> <p>(here specify the land actually surveyed or specify any land</p> <p>The survey relates to</p> <p>Regulation 1996 and was compiled on</p> <p>has been made in accordance with the Surveyors (Practice)</p> <p>certify that the survey represented in this plan is accurate.</p> <p>a surveyor registered under the Surveyors Act, 1929, hereby</p>	<p>13 mm</p> <p>65 mm</p> <p>50 mm</p> <p>45 mm</p> <p>44 mm</p> <p>90 mm</p> <p>60 mm</p>	<p>156 mm</p> <p>226 mm</p> <p>31 mm</p>	<p>94 mm</p>	<p>STONAIRES, SEALS AND STATEMENTS</p> <p>of intention to dedicate public roads,</p> <p>to create public reserves, drainage</p> <p>reserves, easements, restrictions on</p> <p>the use of land or positive covenants</p> <p>Crown Lands Office Approval</p> <p>PLAN APPROVED</p> <p>Authorised Officer</p> <p>Land District</p> <p>Page No</p> <p>Field Book</p> <p>pages</p> <p>Subdivision Certificate</p> <p>I certify that the provisions of s 109J of the Environmental Planning</p> <p>and Assessment Act 1979 have been satisfied in relation to:</p> <ul style="list-style-type: none"> - the proposed - (insert "subdivision" or "new road") - the subdivision is for those purposes in accordance with s 23H of the Conveyancing Act 1919. <p>Authorised Person/Consent Manager/Authorised Officer</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Accreditation no:</p> <p>Subdivision Certificate no:</p> <p>File no:</p> <p>Note</p> <p>That the plan is to be lodged electronically in the Land Titles Office.</p> <p>It should include a signature in an electronic or digital format</p> <p>approved by the Registrar-General</p> <p>* Digital endorsement is inapplicable</p>
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WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2		Please Drawing only to appear in this space		OFFICE USE ONLY	
SIGNATURES AND SEALS ONLY		13 mm		D.P.	
				Registered:	
94 mm		279 mm		C.A.:	
				Title System:	
400 mm		65 mm		Purpose:	
				Ref. Map:	
40 mm		40 mm		Last Plan:	
				PLAN	
31 mm		45 mm		Lengths are in metres Reduction Ratio 1:	
				L.G.A.:	
90 mm		60 mm		Locality:	
				Parish:	
137 mm		4 mm		County:	
				This is sheet / of my plan in sheets (Delete if inapplicable)	
Crown Lands Office Approval		31 mm		Surveyors (Practice) Regulation 1996	
PLAN APPROVED		90 mm		I,	
Land District		4 mm		of	
Authorised Officer		4 mm		a surveyor registered under the Surveyors Act, 1929, hereby	
Paper No		4 mm		certify that the survey represented in this plan is accurate,	
Field Book		4 mm		has been made in accordance with the Surveyors (Practice)	
pages		4 mm		Regulation 1996 and was completed on	
Subdivision Certificate		4 mm		The survey relates to	
I certify that the sections of s.109 of the Environmental Planning		4 mm		I have specified the land exactly surveyed or specify any land	
and Assessment Act 1979 have been satisfied in relation to the		4 mm		shown in the plan that is not the subject of the survey	
proposed		4 mm		Datum Line:	
a (insert subdivision or section) set out herein		4 mm		Zone: Statewide/Country	
a Authorised Person/General Manager/Accredited Certifier		4 mm		(Signatures)	
Consent Authority:		4 mm		Surveyor registered under	
Date of endorsement:		4 mm		the Surveyors Act, 1929	
Accreditation no:		4 mm		Plans used in preparation of survey/compilation	
Subdivision Certificate no:		4 mm		PANEL FOR USE ONLY for statements of intention to	
File no:		4 mm		dedicate public roads, to create public reserves,	
Note:		4 mm		drainage reserves, easements, restrictions on the use	
When the plan is to be lodged electronically in the Land Titles Office,		4 mm		of land or positive covenants	
it shall be accompanied by electronic or digital format		4 mm			
approved by the Registrar-General		4 mm			
a Details whichever is inapplicable		4 mm			
SURVEYOR'S REFERENCE:		4 mm			

WARNING CREATING OR FOLDING WILL LEAD TO REJECTION

Conveyancing (General) Amendment Regulation 1998

Amendments

Schedule 1

<p>PIN FORM 2A</p> <p>SIGNATURES AND SEALS ONLY</p>	<p>PLAN DRAWING ONLY TO APPEAR IN THIS SPACE</p> <p>13 mm</p> <p>65 mm</p> <p>279 mm</p> <p>400 mm</p> <p>40 mm</p> <p>45 mm</p> <p>10 mm</p> <p>31 mm</p> <p>60 mm</p> <p>90 mm</p> <p>30 mm</p> <p>137 mm</p> <p>4 mm</p> <p>TABLE 1.1</p>	<p>OFFICE USE ONLY</p> <p>D.P.</p> <p>Registered:</p> <p>C.A.:</p> <p>Title System:</p> <p>Purpose:</p> <p>Ref. Map:</p> <p>Last Plan:</p> <p>PLAN</p> <p>Lengths are in metres Reduction Ratio 1:</p> <p>80 mm</p> <p>L.G.A.:</p> <p>Locality:</p> <p>Parish:</p> <p>County:</p> <p>This is sheet 1 of my plan in sheets. (Delete if inapplicable)</p> <p>Surveyors (Practice) Registration 1996</p> <p>I,</p> <p>of</p> <p>a surveyor registered under the Surveyors Act, 1929, hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveyors (Practice) Regulation 1996 and was completed on</p> <p>The survey relates to</p> <p>(here specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p> <p>Below Line:</p> <p>Zone: Shoreline/Coastal (Structural)</p> <p>Surveyor registered under the Surveyors Act, 1929</p> <p>Plans used in preparation of survey/compilation</p> <p>PANEL FOR USE ONLY for statements of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants</p>
<p>Crown Lands Office Approval</p> <p>PLAN APPROVED</p> <p>Land District</p> <p>Paper No.</p> <p>Field Book</p> <p>pages</p> <p>Subdivision Certificate</p> <p>certify that the provisions of 109(3) of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>(the proposed</p> <p>the subdivision is for</p> <p>the Environmental Planning and Assessment Act 1979)</p> <p>Authorised Person/General Manager/Accredited Certifier</p> <p>Signature:</p> <p>Date of endorsement:</p> <p>Accreditation no:</p> <p>Subdivision Certificate no:</p> <p>Pin no:</p> <p>By:</p> <p>This plan is to be lodged electronically in the Land Titles Office. It must include a signature in an electronic or digital format approved by the Registrar-General</p> <p>Pin no:</p>	<p>34 mm</p> <p>4 mm</p> <p>WARNING CREATING OR FOLDING WILL LEAD TO REJECTION</p>	<p>Surveyor's REFERENCE:</p>

PLAN FORM 3

It to be used in conjunction with Plan Form 2

WARNING: CREATING OR FOLDING WILL LEAD TO REJECTION

• OFFICE USE ONLY

13 mm	D.P.
15 mm	Registered:
35 mm	This is sheet of my plan in sheets dated
45 mm	Surveyor registered under Surveyors Act 1979
	This is sheet of the plan of sheets covered by registration certificate no.
	Authorised Person/General Manager/Authorised Officer
	For use where sheet is transferred to my plan on Plan Form 2
284 mm	
490 mm	80 mm
10 mm	Reduction Ratio 1:
	SURVEYOR'S REFERENCE:

4 mm

Please drawing only to appear in this space

[5] Schedule 4 Requirements for deposited plans

Omit "or Plan Form 2" from clause 2 (1).

Insert instead "or 2 or, in the case of a plan of subdivision for lease purposes, Plan Form 1A or 2A".

[6] Schedule 4, clause 2

Insert after clause 2 (2) (a)

- (a1) Plan Form 1A, if the first sheet of the plan is in Plan Form 1A, or

[7] Schedule 4, clause 2

Insert "or 2A" after "Plan Form 2" in clause 2 (2) (b).

[8] Schedule 4, clause 2

Insert "or 1A" after "Plan Form 1" in clause 2 (3) (a).

[9] Schedule 4, clause 2

Insert "or 2A" after "Plan Form 2" in clause 2 (3) (b).

[10] Schedule 4, clause 2

Omit "Plan Form 1, 2 or 3" from clause 2 (4).

Insert instead "Plan Form 1, 1A, 2, 2A or 3".