



New South Wales

Conveyancing (General) Amendment (Registration of Plans) Regulation 2007

under the

Conveyancing Act 1919

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

ANTHONY KELLY, M.L.C.,
Minister for Lands

Explanatory note

The object of this Regulation is to amend the *Conveyancing (General) Regulation 2003* as follows:

- (a) to give effect to recent amendments made to the *Conveyancing Act 1919* to introduce one standard document (an administration sheet) that is required to be lodged with the Registrar-General with any plan of the division of land, whether the plan is lodged manually or electronically (and, accordingly, to omit references to signatures forms, which were separate forms on which signatures and consents were endorsed and which were required to be lodged when plans were lodged electronically, whereas signatures and consents were endorsed on the actual plans when plans were lodged manually) (Schedule 1 [1], [2], [8]–[16], [18], [24]–[26], [28], [29], [32] and [36]–[40]),
- (b) to clarify the status of notes (Schedule 1 [3]),
- (c) to omit a redundant clause (Schedule 1 [4]),
- (d) to give the Registrar-General the discretion to require parcels of land intended to be dedicated as roads to be renumbered (Schedule 1 [5] and [6]),
- (e) to require a deposited plan to set out the name of the surveyor, the surveyor's reference, the date of the survey, the relevant reduction ratio, the plan heading, the local government area, the locality and the subdivision certificate number (Schedule 1 [7]),
- (f) to amend the particulars required to be contained in a deposited plan that is not a plan of survey (Schedule 1 [8]),

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- (g) to omit the requirement that, when a plan is lodged by hand, the print of each sheet of the plan must contain particulars of the subdivision certificate (Schedule 1 [9]),
- (h) to require a deposited plan that is not a plan of survey to include certain matter on the administration sheet (Schedule 1 [13], proposed clause 25 (d)),
- (i) to require the administration sheet for a plan of subdivision to contain the particulars of the subdivision certificate under the original signature of the person who gave the certificate (Schedule 1 [13], proposed clause 25 (e) (i)),
- (j) to require all plans of subdivision for lease purposes to be endorsed by a subdivision certificate that states that the plan is a plan of subdivision for lease purposes or forestry lease purposes (as the case may be) (Schedule 1 [13], proposed clause 25 (e) (ii) and (iii)),
- (k) to require an administration sheet to be lodged in the same manner as the relevant plan (Schedule 1 [17]),
- (l) to require a notation referring to an intention to create or release an easement or profit à prendre, or to create a restriction or positive covenant to be entered on the administration sheet in certain circumstances (Schedule 1 [19]),
- (m) to require that no other statement of the intention to create or release an easement or profit à prendre, or to create a restriction or positive covenant is on the administration sheet (Schedule 1 [20]),
- (n) to require the intention to dedicate public roads or to create a reserve to be provided on the administration sheet (Schedule 1 [21]),
- (o) to require the intention to release an easement or profit à prendre pursuant to section 88B is to be provided on the administration sheet (Schedule 1 [22]),
- (p) to require the intention to create an easement, profit à prendre, restriction or positive covenant, or the intention to release an easement or profit à prendre, to be repeated in the same form in a section 88B instrument as in the administration sheet (Schedule 1 [23]),
- (q) to increase the limit on the number of additional sheets of an administration sheet (Schedule 1 [26]),
- (r) to require that all administration sheets are prepared on archival paper (Schedule 1 [27]),
- (s) to require that all manually lodged plans are prepared on archival paper and to remove the requirement that plans must be drawn on a matt surface (Schedule 1 [30]),
- (t) to require that all plan sheets lodged by hand are numbered consecutively and that each administration sheet is numbered consecutively but separately from the drawing sheets (Schedule 1 [31]),
- (u) to require that no signatures or seals are to appear on a deposited plan (Schedule 1 [33]),
- (v) to remove the limit on the number of additional sheets of a deposited plan (Schedule 1 [34]),
- (w) to require that all plan sheets lodged electronically are numbered consecutively and that each administration sheet is numbered consecutively but separately from the drawing sheets (Schedule 1 [35]).

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This Regulation is made under the *Conveyancing Act 1919* (as amended by the *Statute Law (Miscellaneous Provisions) Act 2007*), including section 202 (General rules under Part 23 as to registration and fees).

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Clause 1 Conveyancing (General) Amendment (Registration of Plans) Regulation
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Conveyancing (General) Amendment (Registration of Plans) Regulation 2007

under the

Conveyancing Act 1919

1 Name of Regulation

This Regulation is the *Conveyancing (General) Amendment (Registration of Plans) Regulation 2007*.

2 Commencement

This Regulation commences on 1 September 2007.

3 Amendment of Conveyancing (General) Regulation 2003

The *Conveyancing (General) Regulation 2003* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

administration sheet, in relation to a plan, means the separate document, in the approved form, required to be lodged with the plan under section 195A of the Act.

[2] Clause 3, definition of “signatures form”

Omit the definition.

[3] Clause 3 (2)

Insert at the end of clause 3:

- (2) Notes included in this Regulation (other than Schedule 2) do not form part of this Regulation.

[4] Clause 13 Electronic signatures, seals and certificates

Omit the clause.

[5] Clause 16 Numbering of parcels

Omit “, but excluding public roads” from clause 16 (1).

[6] Clause 16 (1A)

Insert after clause 16 (1):

- (1A) All parcels of land that are intended to be dedicated as roads must be numbered consecutively in strict numerical sequence, using no more than 4 numerals for each parcel number, if the Registrar-General has required them to be so numbered.

[7] Clause 17

Omit the clause. Insert instead:

17 Other information on plans

The following matters must be shown in the relevant spaces of the information panels of a deposited plan:

- (a) the name of the surveyor who carried out the relevant survey,
- (b) the surveyor’s reference,
- (c) the date of the survey,

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- (d) the reduction ratio at which the plan is drawn,
- (e) the plan heading,
- (f) the local government area,
- (g) the locality,
- (h) the subdivision certificate number.

[8] Clause 20

Omit the clause. Insert instead:

20 Particulars on a deposited plan that is not a plan of survey

A deposited plan that does not comprise a plan of survey must contain the following particulars:

- (a) sufficient connections to locate each parcel comprised in the plan,
- (b) the date of preparation of the plan.

[9] Clause 21 Lodgment of plans by hand

Omit clause 21 (2) and (3). Insert instead:

- (2) The original plan must be accompanied by the following:
 - (a) a completed plan lodgment form in the approved form,
 - (b) a completed statement of the title particulars in the approved form, if required by the Registrar-General,
 - (c) one print of each sheet of the plan (each sheet being a positive reproduction on a light background),
 - (d) the relevant fee as set out in Schedule 1,
 - (e) a completed plan checklist in the approved form, if required by the Registrar-General,
 - (f) such certificates of titles, and such instruments as the Registrar-General may require.

Note. Section 195A of the Act requires a plan to be lodged with a separate document in the approved form relating to the plan. Such a document is called an **administration sheet** in this Regulation. Division 2 makes provision for administration sheets, including by requiring compliance with Schedule 4.

[10] Clause 22 Lodgment of plans electronically

Omit clause 22 (3). Insert instead:

- (3) The electronic data file containing the plan in electronic form must be accompanied by electronic data files containing in electronic form:

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- (a) a completed plan checklist in the approved form, if required by the Registrar-General, and
 - (b) such other instruments and data as the Registrar-General may require.

Note. Section 195A of the Act requires a plan to be lodged with a separate document in the approved form relating to the plan. Such a document is called an **administration sheet** in this Regulation. Division 2 makes provision for administration sheets, including by requiring compliance with Schedule 4 and, where appropriate, Schedule 7.

[11] Part 3, Division 2

Omit the heading to the Division. Insert instead:

Division 2 Administration sheet

[12] Part 3, Division 2, note

Omit the note. Insert instead:

Note. Section 195A of the Act provides that, if a plan is lodged (whether by hand or electronically) the plan must be lodged with a separate document in the form approved by the Registrar-General. Such a document is called an **administration sheet** in this Regulation. Signatures and consents are required to be endorsed on the administration sheet by section 195D of the Act.

[13] Clause 25

Omit the clause. Insert instead:

25 Content of the administration sheet

The administration sheet:

- (a) must repeat the plan heading and the surveyor's reference in the appropriate panels on each sheet of the approved form, and
- (b) must include any statement of intention to dedicate a public road (including a temporary public road) under the *Roads Act 1993* or to create a public reserve or drainage reserve under the *Local Government Act 1993*, and
- (c) must contain all the certificates required by the Registrar-General, endorsed in the appropriate panels on the approved form, and
- (d) in the case of an administration sheet for a deposited plan that does not comprise a plan of survey:
 - (i) must contain a statement identifying the source of the information from which the plan has been compiled, and

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- (ii) must contain the signature of the surveyor or other person who prepared the plan, signed on the surveyor certificate on the administration sheet, and
- (e) in the case of an administration sheet for a plan of subdivision:
 - (i) must contain the particulars of the subdivision certificate under an original signature of the person who gave the certificate, and
 - (ii) if it is a plan of subdivision for lease purposes (within the meaning of Division 3B of Part 2 of the Act)—must be endorsed by a subdivision certificate that states that the plan is a plan of subdivision for lease purposes, and
 - (iii) if it is a plan of subdivision for lease purposes (within the meaning of Division 3C of Part 2 of the Act)—must be endorsed by a subdivision certificate that states that the plan is a plan of subdivision for forestry lease purposes.

Note. Division 3 may require further matters to be included on the administration sheet.

[14] Clause 26 Administration sheet to comply with Schedule 4 or Schedules 4 and 7 requirements

Omit “A signatures form” and “the signatures form” wherever occurring.

Insert instead “An administration sheet” and “the administration sheet”, respectively.

[15] Clause 27 Refusal to accept an administration sheet

Omit “a signatures form”. Insert instead “an administration sheet”.

[16] Clause 27

Insert “is not in the approved form or” before “does”.

[17] Clause 27A

Insert after clause 27:

27A Manner of lodging administration sheet

- (1) If a plan is lodged by hand for registration, the administration sheet must also be lodged by hand.
- (2) If a plan is lodged electronically for registration, the administration sheet must also be lodged electronically.

[18] Clause 28 Registration of an administration sheet

Omit “a signatures form, the signatures form”.

Insert instead “an administration sheet, the administration sheet”.

[19] Clause 29 Indication of site of proposed easement or variation of site of existing easement

Omit “must not be entered on a deposited plan unless” from clause 29 (1).

Insert instead “must be entered on the administration sheet if”.

[20] Clause 29 (2) (b)

Omit “elsewhere on the plan”. Insert instead “on the administration sheet”.

[21] Clause 30

Omit the clause. Insert instead:

30 Indication of dedication of public roads or creation of reserves

(1) This clause applies to a deposited plan which, on registration, is intended to dedicate a public road (including a temporary public road) under the *Roads Act 1993* or to create a public reserve or drainage reserve under the *Local Government Act 1993*.

(2) The statement of intention to dedicate the road or to create the reserve must be legibly printed on the administration sheet lodged with the plan.

[22] Clause 32

Omit the clause. Insert instead:

32 Indication of release of easements

(1) This clause applies to a deposited plan which, on registration, is intended to release an easement or profit à prendre (in respect of some or all of the land to which it formerly applied) pursuant to section 88B of the Act.

(2) If this clause applies:

(a) a statement of intention to release the easement or profit à prendre must be legibly printed on the administration sheet lodged with the plan, and

(b) sufficient information must be shown on the plan, or included in the relevant section 88B instrument, to indicate the extent of the release, and

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- (c) the deposited plan must be accompanied by a section 88B instrument that complies with Division 4.

[23] Clause 33 Form and content of section 88B instruments

Omit “information panel in the relevant plan form” wherever occurring in clause 33 (2) and (3).

Insert instead “administration sheet lodged with the relevant plan”.

[24] Schedule 4, heading

Omit “**signatures form**”. Insert instead “**administration sheet**”.

[25] Schedule 4, note to Schedule

Omit the note.

[26] Schedule 4, clause 1

Omit the clause. Insert instead:

1 Use of approved form

Any signatures, seals or certificates that cannot satisfactorily be shown on one sheet may be shown on one or more additional sheets in the approved form. The total number of additional sheets must not be more than 5 unless the Registrar-General otherwise approves.

Note. An administration sheet is required by section 195A of the Act to be in the approved form. The completed administration sheet must be lodged with and in the same manner as the plan. This Schedule prescribes additional requirements.

[27] Schedule 4, clause 2

Omit the clause. Insert instead:

2 Paper

The paper used must be:

- (a) archival paper of a quality approved by the Registrar-General, that is:
- (i) white and free from discolouration and blemishes, and
 - (ii) not less than 80 grams per square metre, and
 - (iii) 297 mm in length by 210 mm in width (standard A4), or
- (b) such other paper as may be approved by the Registrar-General.

[28] Schedule 4, clause 4 (1)

Omit “a signatures form”. Insert instead “an administration sheet”.

[29] Schedule 4, clause 6

Omit “signatures form”. Insert instead “administration sheet”.

[30] Schedule 5 Requirements for deposited plans lodged by hand

Omit clause 1. Insert instead:

1 Material on which plan to be drawn

- (1) Each plan sheet must consist of archival paper of a quality approved by the Registrar-General.
- (2) A plan must be drawn on one side of a plan sheet only.
- (3) Each plan sheet must be free from blemishes and creases.

[31] Schedule 5, clause 2A

Insert after clause 2:

2A Numbering

- (1) Each plan sheet must be numbered consecutively.
- (2) Each administration sheet must be numbered consecutively, but separately from the drawing sheets.

[32] Schedule 5, clause 8 (5)

Omit “a signatures form”. Insert instead “an administration sheet”.

[33] Schedule 5, clause 15

Insert after clause 14:

15 Signatures not to appear

No signatures or seals are to appear on the deposited plan.

Note. All signatures and seals must be shown on the administration sheet.

[34] Schedule 6 Requirements for deposited plans lodged electronically for registration

Omit “The total number of additional sheets must not be more than 3 unless the Registrar-General otherwise approves.” from clause 2 (2).

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[35] Schedule 6, clause 2A

Insert after clause 2:

2A Numbering

- (1) Each plan sheet must be numbered consecutively.
- (2) Each administration sheet must be numbered consecutively, but separately from the drawing sheets.

[36] Schedule 6, note to clause 15

Omit “signatures form”. Insert instead “administration sheet”.

[37] Schedule 7, heading

Omit “**signatures form**”. Insert instead “**administration sheet**”.

[38] Schedule 7, clauses 1 (1) and 3 (1) and note to clause 3

Omit “signatures form” wherever occurring.

Insert instead “administration sheet”.

[39] Schedule 7, clause 2

Omit “a signatures form”. Insert instead “an administration sheet”.

[40] Schedule 8 Requirements for lodging other documents electronically

Omit “a signatures form” from clause 1 (1).

Insert instead “an administration sheet”.

BY AUTHORITY
