

# Conveyancing (General) Regulation 2008

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New South Wales

## Status Information

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### Authorisation

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# Conveyancing (General) Regulation 2008



New South Wales

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# Conveyancing (General) Regulation 2008



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Conveyancing (General) Regulation 2008*.

### 2 Commencement

This Regulation commences on 1 September 2008.

**Note—**

This Regulation replaces the *Conveyancing (General) Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

**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.

**approved** means approved for the time being by the Registrar-General.

**deeds index particulars form** means an approved form setting out the particulars of or relating to an instrument that is signed and lodged for registration under section 184D (1) of the Act.

**deposited plan** means a plan (other than a strata plan) lodged for registration or recording in the office of the Registrar-General.

**identified document** means a document specified for the purposes of section 203A of the Act in clause 57.

**plan of survey** means a formal land survey plan within the meaning of the *Surveying and Spatial Information Act 2002*.

**register of plans** means the register of plans kept by the Registrar-General that includes plans registered under Division 3 of Part 23 of the Act and strata plans registered under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata*

*Schemes (Leasehold Development) Act 1986.*

**roads plan** means a plan prepared for the purpose of the acquisition, opening or closing of one or more roads.

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

- (a) under clause 35, is required to accompany a deposited plan that creates an easement, profit à prendre, restriction or positive covenant, or
- (b) under clause 36, is required to accompany a deposited plan that releases an easement or profit à prendre,

under section 88B of the Act, and includes a section 88B instrument within the meaning of the *Strata Schemes (Freehold Development) Regulation 2007* or the *Strata Schemes (Leasehold Development) Regulation 2007*.

**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 Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*.

**the Act** means the *Conveyancing Act 1919*.

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

## **Part 2 The General Register of Deeds**

### **4 Registration of instruments generally**

- (1) An instrument that is lodged for registration in the General Register of Deeds must be accompanied by:
  - (a) a registration copy of the instrument or a request that a registration copy of the instrument be prepared by the Registrar-General, and
  - (b) a completed deeds index particulars form that includes the certificate referred to in section 184D (3) of the Act, and
  - (c) the relevant fee as set out in Schedule 1, and
  - (d) a completed statement of the title particulars in the approved form, if required by the Registrar-General, and
  - (e) a completed notice of sale in the approved form, if required by the Registrar-General.
- (2) This clause does not apply to the registration of writs, court orders or legal proceedings under section 186 of the Act, the registration of notices of resumption

under section 196A of the Act or the registration of notifications of compulsory acquisition under a Commonwealth Act.

## **5 Registration of writs, court orders or legal proceedings**

- (1) An application for registration of a writ, court order or legal proceedings in the General Register of Deeds under section 186 of the Act must be in the approved form and must be accompanied by:
  - (a) the original or a copy of the writ, court order or legal proceedings, and
  - (b) a completed deeds index particulars form that includes the certificate referred to in section 184D (3) of the Act, and
  - (c) the relevant fee as set out in Schedule 1,and may also be accompanied by a registration copy of the writ, court order or legal proceedings concerned.
- (2) For the purposes of section 186 (2) of the Act, the prescribed manner in which registration of a writ, order or current legal proceedings in the General Register of Deeds is to be renewed is by means of an application in the approved form accompanied by the relevant fee as set out in Schedule 1.

## **6 Registration of notices of resumption**

A notice of resumption that is lodged for registration in the General Register of Deeds under section 196A (3) (a) of the Act:

- (a) must be in the form of Form 1 as set out in Schedule 2 (executed by the resuming authority or by an agent appointed by the resuming authority to execute the notice on its behalf), and
- (b) must be accompanied by:
  - (i) a completed deeds index particulars form that includes the certificate referred to in section 184D (3) of the Act, and
  - (ii) the relevant fee as set out in Schedule 1, and
  - (iii) a completed notice of sale in the approved form, if required by the Registrar-General.

## **7 Production of instrument etc and copy**

- (1) An instrument that is lodged for registration in the General Register of Deeds (including any accompanying application and any registration copy of the instrument or application):
  - (a) must have endorsed on it the name, address and DX box number (if any) of the



person by whom or on whose behalf it is lodged, and

(b) must be produced in such manner as may be approved at the office of the Registrar-General.

(2) Documents that are lodged for registration must not be bound together except by means of a pin, staple or split pin or other similar means acceptable to the Registrar-General.

### **8 Certificate to accompany instrument for registration**

For the purposes of section 184D (3) of the Act, the certificate to accompany an instrument for registration must be signed by:

(a) the person lodging the instrument, or

(b) a party to the instrument, or

(c) a solicitor or agent acting for the person lodging, or a party to, the instrument.

### **9 Instruments to comply with Schedule 3 requirements**

An instrument lodged for registration in the General Register of Deeds (including any accompanying application and any registration copy of the instrument or application) must comply with the requirements set out in Schedule 3.

### **10 Plans and diagrams to comply with Schedule 3 requirements**

The registration copy of a plan or diagram annexed to an instrument or, if no registration copy is lodged, the plan or diagram from which a registration copy is to be prepared by the Registrar-General:

(a) must comply with the requirements set out in clauses 3, 4 (1) and (2), 6, 7 and 9-14 of Schedule 3, and

(b) must have all line work, dimensions, hatchings and notations in dense black ink, and

(c) must not have on it any coloured ink, and

(d) must have margins of not less than 10 mm on the top, bottom and sides.

### **11 Allocation of distinctive references to instruments**

For the purposes of section 184E (1) of the Act, the Registrar-General is to allocate a distinctive reference to an instrument by placing the distinctive reference and the Registrar-General's seal on the original instrument and on the registration copy (if any) of the instrument.

## **12 Vacation of registration**

For the purposes of section 190A (3) of the Act, an application for vacation of a registration under Division 2 of Part 23 of the Act must:

- (a) be made in the approved form, and
- (b) be accompanied by the relevant fee as set out in Schedule 1.

## **Part 3 Register of plans**

### **Division 1 General**

#### **13 Particulars of deposited plans to be recorded**

The Registrar-General is to record in the register of plans particulars of all deposited plans registered or recorded under Division 3 of Part 23 of the Act.

#### **14 Certain deposited plans to be plans of survey**

- (1) A deposited plan containing 5 lots or more must be in the form of a plan of survey unless the Registrar-General otherwise permits.
- (2) A deposited plan containing 4 lots or less must be in the form of a plan of survey if the Registrar-General so requires.

#### **15 Numbering of parcels**

- (1) All parcels of land (including parcels intended for public reserves and drainage reserves) must be numbered consecutively in strict numerical sequence, using no more than 4 numerals for each parcel number.
- (2) 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.
- (3) Parcels must not be identified by reference to a "section" or "block".
- (4) The complete dimensions (including area) of each parcel must be shown.
- (5) Each deposited plan must include (if required by the Registrar-General) a table indicating the street address of each parcel shown in the plan.

#### **16 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,
- (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.

### **17 Technical requirements**

- (1) For the purpose of facilitating the lodgment of plans and other documents electronically:
  - (a) the Registrar-General may determine standard technical requirements with respect to the preparation and lodgment of plans and other documents lodged electronically, and
  - (b) without limiting section 195AA (5) of the Act, an approval under that subsection may require a person lodging such plans or documents electronically to do so in accordance with the requirements determined under paragraph (a).
- (2) The Registrar-General may make the requirements determined under subclause (1) available through the Registrar-General's Directions published on the internet.

### **18 Plans lodged for registration as deposited plans to comply with Schedule 5 or Schedules 6 and 8 requirements**

- (1) A plan lodged by hand for registration at the office of the Registrar-General as a deposited plan must comply with the requirements set out in Schedule 5.
- (2) If the Registrar-General permits a plan to be lodged electronically for registration as a deposited plan:
  - (a) if the plan is in an image file format—the plan must comply with the requirements set out in Schedule 6, and
  - (b) if the plan is not in an image file format—the plan must comply with the requirements set out in clauses 1 (1), 2 (1), 13, 14, 15 and 16 of Schedule 6, and
  - (c) other documents lodged with the plan must also be lodged electronically and the requirements set out in Schedule 8 must be complied with, except in the case of a document referred to in clause 25 (5).

### **19 Particulars on a deposited plan that is a plan of survey**

A deposited plan that comprises a plan of survey must contain the following particulars:

- (a) references to any marks of former surveys used, or in respect of which connections are shown, and the recorded numbers of the plans of those surveys,
- (b) the widths of all roads indicated in the plan and of their footways and carriageways if defined by alignment,
- (c) information sufficient to indicate that the external boundaries have been properly established and do not include any part of adjoining properties or roads,
- (d) the present name of every road shown in the plan.

### **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,
- (c) the present name of every road shown in the plan.

### **21 Cadastral record identifying locations and names of roads**

The Registrar-General is to maintain a cadastral record, being a record of mapping and titling information referenced to the Digital Cadastral Database (DCDB) in which the locations and, where appropriate, names of roads are identified for the purposes of clauses 19 and 20.

### **22 Particulars regarding road name required if variance from cadastral record**

If the name of a road shown in a plan referred to in clause 19 or 20 differs from that shown on the cadastral record referred to in clause 21, the plan must be accompanied by a letter from the appropriate authority confirming the change of name and the extent of the change.

### **23 Lodgment of plans by hand**

- (1) A person lodging a plan by hand for registration in the office of the Registrar-General must produce the plan at that office in such manner as may be approved.
- (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.

- (3) If required by the Registrar-General, such geometry files (in the form of electronic data files in a format approved by the Registrar-General) relating to the original plan as are specified by the Registrar-General must be lodged in accordance with the requirements determined under clause 17.

**24 Replacement plan for plan lodged by hand may be lodged electronically**

- (1) This clause applies to a plan lodged by hand for registration if no signatures or seals appear on the plan drawing sheets.
- (2) The Registrar-General may permit a replacement plan to be lodged electronically in respect of a plan to which this clause applies if:
  - (a) the Registrar-General has issued a requisition or requirement to the effect that a specified thing is to be done by a registered surveyor in respect of the plan, and
  - (b) the replacement plan is lodged by a registered surveyor who is:
    - (i) authorised under the *Surveying and Spatial Information Act 2002* or any other law to do the thing specified by the Registrar-General, and
    - (ii) an approved person, and
    - (iii) authorised, by way of the plan lodgment form or other instrument in writing, to lodge the replacement plan by the person who lodged the plan by hand.
- (3) A replacement plan permitted to be lodged electronically under this clause is to be lodged in accordance with clause 25, except that an administration sheet is not required to be lodged with the replacement plan unless the Registrar-General so directs.

## 25 Lodgment of plans electronically

- (1) An approved person lodging a plan electronically for registration in the office of the Registrar-General must lodge the plan in accordance with the e-plan system or otherwise with the consent of the Registrar-General.

**Note—**

The e-plan system is explained in section 195AA of the Act.

- (2) Plan lodgment details must be provided in the manner required by the Registrar-General.
- (3) The electronic data file containing the plan in electronic form must be accompanied by electronic data files containing in electronic form:
  - (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.

- (4) The relevant fee as set out in Schedule 1 must be paid in the manner and by the time specified by the Registrar-General.
- (5) The following original documents may not be lodged electronically but must be produced and lodged by hand at the office of the Registrar-General or in some other manner (not being electronically) specified by the Registrar-General:
  - (a) such certificates of title, deeds, office copies of court orders, powers of attorney and statutory declarations as the Registrar-General may require,
  - (b) a completed statement of title particulars in the approved form, if required by the Registrar-General,
  - (c) a primary application and associated documents, if required by the Registrar-General,
  - (d) such consents in writing to the registration of the plan signed by a lessee, caveator, judgment creditor or other person, as may be required by the Registrar-General,
  - (e) any other original documents that may be required by the Registrar-General.

## 26 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 à prendre, restriction or positive covenant to be created under section 88B of the Act,
- (b) matter indicating the site of an easement or profit à 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.

## 27 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 plans are plans 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.

## Division 2 Administration sheet

### 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 are required to be endorsed on the administration sheet by section 195D of the Act.

## 28 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
  - (ii) must contain the original 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.

**29 Administration sheet to comply with Schedule 4 or Schedules 4 and 7 requirements**

- (1) An administration sheet that is lodged by hand at the office of the Registrar-General must comply with the requirements set out in Schedule 4.
- (2) An administration sheet may be lodged electronically only if:
  - (a) the plan to which it relates is also lodged electronically, and
  - (b) the administration sheet complies with the requirements set out in Schedule 4 and is lodged in accordance with the requirements set out in Schedule 7.

**30 Refusal to accept an administration sheet**

The Registrar-General may refuse to accept an administration sheet that, in the Registrar-General's opinion, is not in the approved form or does not comply with or is not lodged in accordance with this Division.



### **31 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.

### **32 Registration of an administration sheet**

On registration of a deposited plan that is accompanied by an administration sheet, the administration sheet is to be registered in the register of plans.

## **Division 3 Deposited plans affecting interests in land**

### **33 Indication of site of proposed easement or variation of site of existing easement**

- (1) A notation referring to an intention to create or release an easement or profit à prendre, or to create a restriction or positive covenant, must be entered on the administration sheet if it is intended that it is to be created or released pursuant to section 88B of the Act.
- (2) However, a deposited plan may designate the site of a proposed easement, profit à prendre, restriction or positive covenant that is intended to be created (otherwise than by registration of the plan) by an instrument of grant or reservation, or the proposed varied site of an existing easement or profit à prendre that is intended to be varied by an instrument of variation, if:
  - (a) the designation of the site of the proposed easement, profit à prendre, restriction or positive covenant, or of the proposed variation of existing easement or profit à prendre, includes the word “proposed” or an abbreviation of that word, and
  - (b) no other statement of the intention to create or vary the easement or profit à prendre, or to create the restriction or positive covenant, is entered on the administration sheet.
- (3) For the purposes of section 88B of the Act, the designation of the site of a proposed easement, profit à prendre, restriction or positive covenant in accordance with subclause (2) is not taken to indicate in the prescribed manner an intention to create an easement, profit à prendre, restriction or positive covenant.
- (4) A notation referring to the proposed varied site of an existing easement or profit à prendre must not be entered on a deposited plan unless it is intended that the easement or profit à prendre is to be varied pursuant to section 47 (5A) of the [Real Property Act 1900](#).

#### **34 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.

#### **35 Indication of creation of easements**

- (1) In a deposited plan which, on registration, is intended to create an easement, profit à prendre, restriction or positive covenant pursuant to section 88B of the Act:
  - (a) a statement of intention to create the easement, profit à prendre, restriction or positive covenant must be legibly printed on the administration sheet lodged with the plan, and
  - (b) the site of an easement must be indicated in the plan-drawing area of the approved form with sufficient indication of the nature of the easement to distinguish it from any other easement intended to be created on registration of the plan, and
  - (c) if an easement is limited in height or depth, the levels of the limits must be related to Australian Height Datum (AHD) as defined in the *Surveying and Spatial Information Act 2002*.
- (2) A statement of intention referred to in subclause (1) (a) must neither incorporate the text of the easement, profit à prendre, restriction or positive covenant nor specify the lots intended to be benefited and burdened.
- (3) The deposited plan must be accompanied by a section 88B instrument that complies with Division 4.

#### **36 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
  - (c) the deposited plan must be accompanied by a section 88B instrument that

complies with Division 4.

## **Division 4 Section 88B instruments**

### **37 Form and content of section 88B instruments**

- (1) A section 88B instrument is to be in the approved form.
- (2) The instrument must, in Part 1 of the approved form, repeat each (if any) statement of intention to create an easement, profit à prendre, restriction or positive covenant in the same form (and, where there is more than one statement of intention, in the same order) as set out in the administration sheet lodged with the relevant plan.
- (3) The instrument must contain in Part 1 of the approved form, after each statement of intention referred to in subclause (2), a schedule setting out the lot numbers of the lots burdened by the easement, profit à prendre, restriction or positive covenant (numbered individually and in numerical sequence) and, opposite the lot number of each lot burdened:
  - (a) the numbers of the lots intended to receive the benefit of the easement, profit à prendre, restriction or positive covenant, and
  - (b) the name of any road to which any easement, profit à prendre, restriction or positive covenant is to be appurtenant, and
  - (c) the name of any body in whose favour any easement in gross or positive covenant without a dominant tenement is to be created, and
  - (d) the name of any prescribed authority in whose favour any restriction on the use of land or positive covenant that is of the type that may be imposed under section 88E of the Act is to be created.
- (4) The instrument must, in Part 1A of the approved form, repeat each (if any) statement of intention to release an easement or profit à prendre in the same form (and, where there is more than one, in the same order) as set out in the administration sheet lodged with the relevant plan.
- (5) The instrument must contain in Part 1A of the approved form, after each statement of intention referred to in subclause (4), a schedule setting out the lot numbers of the lots burdened by each easement or profit à prendre, if any, proposed to be released and, opposite the lot number of each lot burdened:
  - (a) the numbers of the lots that receive the benefit of the easement or profit à prendre, and
  - (b) the name of any road to which the easement is appurtenant, and
  - (c) the name of any prescribed authority in whose favour any easement in gross was

created.

- (6) If each lot in a plan is intended to be burdened by an easement, profit à prendre, restriction or positive covenant the benefit of which is intended to be received by every other lot in the plan, it is sufficient if the words “each lot” and “every other lot”, or words to the same effect, are respectively noted in the schedule.
- (7) Subject to subclause (8), the instrument is to set out, in Part 2 of the approved form, the text of each easement, profit à prendre, restriction or positive covenant referred to in the statements of intention set out in Part 1 or 1A of the approved form.
- (8) If a statement of intention in Part 1 or 1A of the instrument uses an expression, the meaning of which is provided for in the Act by section 88A and Schedule 4A or section 181A and Schedule 8, and it is intended:
  - (a) that the expression have that meaning in the instrument—no text is to be set out in Part 2 of the approved form in respect of the statement of intention, or
  - (b) that the expression have another meaning in the instrument—the text of the relevant easement is to be set out in Part 2 of the approved form in respect of the statement of intention.
- (9) No sketch, drawing or other diagram is to appear on the instrument.

### **38 Section 88B instruments to comply with Schedule 9 or Schedules 9 and 10 requirements**

- (1) A section 88B instrument that is lodged by hand at the office of the Registrar-General must comply with the requirements set out in Schedule 9.
- (2) A section 88B instrument that the Registrar-General permits to be lodged electronically must comply with the requirements set out in Schedule 9 and the requirements set out in Schedule 10 must also be complied with.

### **39 Refusal to accept section 88B instruments**

The Registrar-General may refuse to accept a section 88B instrument which, in the Registrar-General’s opinion, does not comply with this Division.

### **40 Registration of section 88B instruments**

On registration of a deposited plan that is accompanied by a section 88B instrument, the section 88B instrument is, if accepted, to be registered in the register of plans.

## **Division 5 Additional provisions with respect to land under the [Real](#)**

## Property Act 1900

### 41 Application of Division

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

### 42 Deposited plan relating to a limited folio

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.

### 43 Subdivision, consolidation or acquisition of part of land in a folio

- (1) If a proposed subdivision, consolidation or acquisition of land, or a proposed acquisition, opening or closing of a road, 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 relevant deposited plan or roads plan 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) The Registrar-General may dispense with the requirement to show the residue:
  - (a) in the case of a public road, a public railway, an irrigation channel or land vested in the Maritime Authority of NSW, or
  - (b) in any other case where the Registrar-General considers that compliance with the requirement would be unduly onerous.

### 44 Alteration of boundaries of strata title common property

- (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 Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, and
  - (b) held by an owners corporation 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.

## **Part 4 Searches**

### **45 Official searches**

- (1) A requisition under section 197 of the Act for an official search of old system title land or a request for an office copy of a certificate of the result of such a search must be made on the approved form.
- (2) A requisition is to be limited to a single chain of title.
- (3) The relevant fee as set out in Schedule 1 must, if required by the Registrar-General, be paid before delivery of the office copy of a certificate of the result of a search.
- (4) If a requisition is withdrawn after commencement but before completion of a search, such fees as the Registrar-General determines having regard to the work done up to the time of withdrawal must be paid.
- (5) The Registrar-General may require an interim payment of fees before completion of a search.

### **46 Public searches**

For the purposes of section 199 of the Act:

- (a) the prescribed times at which information in registers kept under the Act is to be made available are 8.30 am to 4.30 pm each day (other than a Saturday, Sunday or public holiday) or such other times as the Registrar-General directs, and
- (b) the prescribed manner in which such information is to be made available in response to a requisition requiring dispatch of information by post, facsimile or other approved means is by the Registrar-General furnishing a copy of the information, and
- (c) the prescribed fee is the relevant fee as set out in Schedule 1.

## **Part 5 Fees**

### **47 Fees payable to the Registrar-General**

- (1) The fees specified opposite the matters listed in Schedule 1 are payable to the Registrar-General in respect of those matters.
- (2) A fee is payable before the service to which the fee relates is provided or at such time and in accordance with such conditions as the Registrar-General may agree with the person paying the fee.

### **48 Fee payable to a prescribed authority for a certificate under section 88G of the Act**

For the purposes of section 88G (3) of the Act, the fee payable to a prescribed authority for a certificate under that section is:

- (a) \$10, or
- (b) if the authority has inspected the relevant land for the purpose of issuing the certificate—\$35.

## **Part 6 Miscellaneous**

### **49 Vacation of registrations**

For the purposes of section 200 (2) of the Act, the prescribed form of application for vacation of a registration (other than a registration made under Division 2 of Part 23 of the Act) is the form of Form 2 as set out in Schedule 2.

### **50 Appointment of receiver by a mortgagee**

An appointment of a receiver by a mortgagee under section 109 (1) (c) of the Act is not to be registered in the General Register of Deeds unless it is in the approved form.

### **51 Compliance with covenants to produce documents**

- (1) A document that is deposited with the Registrar-General under section 64 of the Act for the purpose of complying with a covenant or undertaking to produce documents must be accompanied by a notice to that effect.
- (2) The notice must be in the approved form, must be lodged in duplicate and its particulars must not be handwritten.

### **52 Prescribed witnesses to deeds**

For the purposes of section 38 (1A) (c) of the Act, a prescribed witness is:

- (a) in the case of a deed that is signed within Australia, any person of a class referred to in Part 1 of Schedule 11, or
- (b) in the case of a deed that is signed within a foreign country, any person of a class referred to in Part 2 of Schedule 11.

### **53 Easements in gross**

- (1) For the purposes of section 88A of the Act, each of the following corporations is a prescribed authority:
  - (a) Hunter Water Corporation,
  - (b) Sydney Water Corporation,
  - (c) State Water Corporation,
  - (d) an irrigation corporation within the meaning of the [Water Management Act 2000](#),

- (e) an energy services corporation within the meaning of the *Energy Services Corporations Act 1995*,
- (f) Rail Infrastructure Corporation,
- (g) Australian Rail Track Corporation Ltd (ACN 081 455 754),
- (h) The Albury Gas Co Ltd (ACN 000 001 249),
- (i) Jemena Gas Networks (NSW) Ltd (ACN 003 004 322),
- (j) Jemena Eastern Gas Pipeline (3) Pty Ltd (ACN 067 715 646),
- (k) Telstra Corporation Limited (ACN 051 775 556),
- (l) Vodafone Network Pty Limited (ACN 081 918 461),
- (m) Integral Energy Gas Pty Limited (ACN 078 702 655),
- (n) Actew Distribution Ltd (ACN 073 025 224),
- (o) Jemena Networks (ACT) Pty Ltd (ACN 008 552 663),
- (p) Rail Corporation New South Wales,
- (q) Transport Infrastructure Development Corporation,
- (r) Eastern Star Gas Limited (ACN 094 269 780),
- (s) Narrabri Energy Pty Ltd (ACN 055 932 315),
- (t) Narrabri Power Pty Ltd (ACN 104 570 943),
- (u) Envestra (NSW) Pty Limited (ACN 083 199 839),
- (v) Directlink (No. 1) Pty Limited (ACN 085 123 468),
- (w) Riverina Water County Council,
- (x) Goldenfields Water County Council,
- (y) Silvertown Wind Farm Transmission Pty Ltd (ACN 139 624 632),
- (z) SPI Rosehill Network Pty Limited (ACN 131 213 691),
- (za) Crown Castle Australia Pty Ltd (ACN 090 873 019),
- (zb) Sydney Desalination Plant Pty Limited (ACN 125 935 177),
- (zc) SDP Australia No. 3 Pty Ltd (ACN 158 077 411),
- (zd) Ministerial Holding Corporation (constituted under section 37B of the *State*



*Owned Corporations Act 1989*).

- (2) For the purposes of section 88A of the Act, a licensee is a prescribed authority, but only in respect of easements for the purpose of the construction and use of pipelines, for any purpose incidental to any such purpose and for the purpose of access to pipelines or to apparatus or works. Expressions used in this subclause have the same meanings they have in the *Pipelines Act 1967*.

#### **54 Imposition of restrictions or public positive covenants on certain land vested in prescribed authorities**

For the purposes of paragraph (c) of the definition of **prescribed authority** in section 88D (1) of the Act, each of the following is a prescribed authority:

- (a) Australian Postal Corporation,
- (b) Commonwealth Defence Housing Authority,
- (c) Hunter Water Corporation,
- (d) Sydney Water Corporation,
- (e) State Water Corporation,
- (f) Rail Infrastructure Corporation,
- (g) an irrigation corporation within the meaning of the *Water Management Act 2000*,
- (h) The Uniting Church in Australia Property Trust (N.S.W.),
- (i) Rail Corporation New South Wales,
- (j) Transport Infrastructure Development Corporation,
- (k) Envestra (NSW) Pty Limited (ACN 083 199 839),
- (l) an energy services corporation within the meaning of the *Energy Services Corporations Act 1995*,
- (m) Riverina Water County Council,
- (n) Goldenfields Water County Council.

#### **55 Regulation of use of land not held by a prescribed authority**

For the purposes of paragraph (c) of the definition of **prescribed authority** in section 88E (1) of the Act, each of the following is a prescribed authority:

- (a) Australian Postal Corporation,
- (b) Hunter Water Corporation,

- (c) Sydney Water Corporation,
- (d) Rail Infrastructure Corporation,
- (e) an irrigation corporation within the meaning of the *Water Management Act 2000*,
- (f) The Uniting Church in Australia Property Trust (N.S.W.),
- (g) Rail Corporation New South Wales,
- (h) Transport Infrastructure Development Corporation,
- (i) State Water Corporation,
- (j) Greening Australia (Capital Region) Ltd (ACN 110 484 181),
- (k) Envestra (NSW) Pty Limited (ACN 083 199 839),
- (l) an energy services corporation within the meaning of the *Energy Services Corporations Act 1995*,
- (m) Riverina Water County Council,
- (n) Goldenfields Water County Council.

**56 Periods for retention of documents (section 196AB of the Act)**

For the purposes of section 196AB (2) (c) of the Act, the period prescribed is the period of 7 years commencing with the day on which the plan or other document was registered or recorded.

**57 Identified documents (section 203A of the Act)**

For the purposes of section 203A of the Act, each of the following is an identified document:

- (a) a section 88B instrument,
- (b) a building management statement referred to in Division 3B of Part 23 of the Act,
- (c) a statement of the by-laws referred to in section 8 (4B) of the *Strata Schemes (Freehold Development) Act 1973*,
- (d) a strata development contract referred to in Division 2A of Part 2 of the *Strata Schemes (Freehold Development) Act 1973*,
- (e) a strata management statement referred to in Division 2B of Part 2 of the *Strata Schemes (Freehold Development) Act 1973*,
- (f) a statement of the by-laws referred to in section 7 (2CC) of the *Strata Schemes (Leasehold Development) Act 1986*,

- (g) a strata development contract referred to in Division 5 of Part 2 of the *Strata Schemes (Leasehold Development) Act 1986*,
- (h) a strata management statement referred to in Division 5A of Part 2 of the *Strata Schemes (Leasehold Development) Act 1986*,
- (i) a development contract referred in section 5, 9, 13, 18 or 26 of the *Community Land Development Act 1989*,
- (j) a community, precinct or neighbourhood management statement referred to in section 5, 9, 13 or 18 of the *Community Land Development Act 1989*.

#### **58 Savings and transitional provisions**

- (1) Any act, matter or thing that had effect under the *Conveyancing (General) Regulation 2003* immediately before the commencement of this Regulation is taken to have effect under this Regulation.
- (2) For the removal of doubt, clause 37 (8) does not apply to an instrument lodged before 1 September 2008.

#### **59 Transitional provision consequent on the 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 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 Act before the appointed day.

- (2) The provisions of:

- (a) Division 3 of Part 23 of the Act, and
- (b) the *Conveyancing (General) Regulation 1992*,

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, the *Conveyancing (General) Regulation 1992* had not been repealed and any regulation made under the *Conveyancing Act 1919* on or after the commencement of the 1997 amending Act 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.

**repealed Act** means the *Local Government Act 1919*.

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

## 60 (Repealed)

### Schedule 1 Fees

(Clauses 4, 5, 6, 12, 23, 25, 45, 46 and 47)

| Item   | Matter for which fee payable   | Fee   |
|--|--|---|
| <b>Registration in the General Register of Deeds</b> |  |   |
| 1  | For each registration, or renewal or vacation of registration, of any writ, order or legal proceedings made under Division 2 of Part 23 of the Act | \$100.50  |
| 2  | For recording or registering any instrument not otherwise provided for in this Schedule  | \$100.50  |
| 3  | On request for preparation of a registration copy of an instrument or part of an instrument  | \$13.90 for up to 4 pages, and then \$13.90 for each additional 4 pages or part of that number                          |
|  | In addition, for preparation of the copy   | Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved                          |
| <b>Copies</b>  |  |   |
| 4  | For supplying a copy of a document or part of a document (other than a certified copy) in the custody of the Registrar-General:                    |   |
|  | (a) to any person attending an office of the Land and Property Information Division, Department of Finance and Services                            | \$13.90   |
|  | (b) by electronic means to any agent licensed by the Land and Property Information Division, Department of Finance and Services                    | \$7.20  |
|  | (c) to any person by some other means  | Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service |
| 5  | On lodgment of an application for a certified copy of a document or part of a document in the custody of the Registrar-General                     | \$104.50  |

|   |  |   |
|---|--|---|
| 6 | In the case of a requisition for a copy available to any person attending an office of the Land and Property Information Division, Department of Finance and Services that, in the opinion of the Registrar-General, is a request for a copy for which the above schedule of fees is not appropriate | Such reasonable fee (determined by the Registrar-General in negotiation with the requesting party) as is warranted by the cost incurred in providing the copy |
| 7 | On lodgment of an application for a copy of a document in the custody of the Registrar-General, other than a certified copy or a copy available to any person attending an office of the Land and Property Information Division, Department of Finance and Services                                  | Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy  |

**Official searches (General Register of Deeds)**

|   |   |          |
|---|---|----------|
| 8 | On requisition under section 197 of the Act:  |          |
|   | (a) for an official search (including an office copy of the certificate of the result of the search)  | \$212.00 |
|   | (b) for the continuation of an official search from the date of the prior certificate of the result of the search (including an office copy of the certificate of the result of the continuation of the search) | \$212.00 |
|   | In addition, for each quarter-hour or part of a quarter-hour occupied in the search or continuation of the search after the first hour  | \$53.00  |
| 9 | On request for an office copy of the certificate of the result of an official search or continuation of an official search  | \$104.50 |

**Public searches (General Register of Deeds)**

|    |   |          |
|----|---|----------|
| 10 | On requisition for a search, or the continuation of a search, of the General Register of Deeds  | \$106.00 |
|    | In addition, for each quarter-hour or part of a quarter-hour occupied in the search or continuation of the search after the first half-hour | \$53.00  |

**Search for writs, orders or legal proceedings**

|    |                                |         |
|----|--------------------------------|---------|
| 11 | For a search against each name | \$13.90 |
|----|--------------------------------|---------|

**Search for security interests in goods (General Register of Deeds)**

|    |   |         |
|----|---|---------|
| 12 | For a search against each name:   |         |
|    | (a) by any person attending an office of the Land and Property Information Division, Department of Finance and Services         | \$13.90 |
|    | (b) by electronic means to any agent licensed by the Land and Property Information Division, Department of Finance and Services | \$7.20  |

- (c) by any person by some other means
- Such reasonable fee  
(determined by the Registrar-  
General) as is warranted by  
the work involved in  
providing the service

**Plans**

- 13 On lodgment for registration or recording of a plan (other than a community, precinct or neighbourhood plan under the *Community Land Development Act 1989* or a plan prepared solely for the purpose of placing survey information on public record):
- (a) comprising no more than 2 lots \$1,127.50
- (b) comprising more than 2 lots \$1,354.00
- In addition, for each quarter-hour or part of a quarter-hour in excess of:
- (a) the first 4 hours occupied in the examination of a plan referred to in paragraph (a) above \$53.00
- (b) the first 6 hours occupied in the examination of a plan referred to in paragraph (b) above \$53.00
- In addition, if the plan is accompanied by a building management statement \$344.40
- 14 On lodgment for registration of a community, precinct or neighbourhood plan under the *Community Land Development Act 1989* \$1,807.00
- In addition, for each quarter-hour or part of a quarter-hour in excess of the first 8 hours occupied in the examination of the plan \$53.00
- In addition:
- (a) for each additional sheet in excess of 4 \$104.50
- (b) for the management statement accompanying the community, precinct or neighbourhood plan, including any associated plans or sketches \$344.40
- (c) for any development contract accompanying the community, precinct or neighbourhood plan \$225.50
- In addition, for each lot, allotment or portion shown or separately defined on the plan \$135.00
- In addition, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited \$104.50

|    |  |            |
|----|--|------------|
|    | In addition, if the plan is accompanied by a section 88B instrument, for each easement or profit à prendre to be released, irrespective of the number of lots burdened or benefited  | \$104.50   |
|    | In addition, if the plan is accompanied by a building management statement   | \$344.40   |
|    | In addition, if the plan is lodged for the purpose of consolidating 2 or more folios of the Register kept under the <i>Real Property Act 1900</i> —for each folio of the Register to be consolidated   | \$17.80    |
|    | In addition, if a plan lodged in connection with an application to bring land under the <i>Real Property Act 1900</i> 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 | \$17.80    |
| 15 | On lodgment of an additional or replacement sheet in conjunction with an application to amend a registered community, precinct or neighbourhood plan under the <i>Community Land Development Act 1989</i>  | \$104.50   |
| 16 | For recording a plan prepared solely for the purpose of placing survey information on public record  | \$104.50   |
| 17 | For examining a plan if survey information has been added to an original compiled plan as a result of a requisition  | \$104.50   |
| 18 | For pre-examination of a plan (other than a community, precinct or neighbourhood plan under the <i>Community Land Development Act 1989</i> ):  |            |
|    | (a) comprising no more than 2 lots   | \$1,240.25 |
|    | (b) comprising more than 2 lots  | \$1,489.40 |
|    | In addition, for each quarter-hour or part of a quarter-hour in excess of:   |            |
|    | (a) the first 4 hours occupied in the examination of the plan referred to in paragraph (a) above   | \$58.30    |
|    | (b) the first 6 hours occupied in the examination of the plan referred to in paragraph (b) above   | \$58.30    |
| 19 | For pre-examination of a community, precinct or neighbourhood plan under the <i>Community Land Development Act 1989</i>  | \$1,987.70 |
|    | In addition, for each quarter-hour or part of a quarter-hour in excess of the first 8 hours occupied in the examination of the plan  | \$58.30    |
| 20 | For preparation and supply of a plan   | \$212.00   |
|    | In addition, for each quarter-hour or part of a quarter-hour in excess of the first hour occupied in the preparation of the plan   | \$53.00    |

|                      |   |  |
|----------------------|---|--|
| 21                   | On lodgment of an application for revival of a plan previously rejected or withdrawn  | Such fee as would be appropriate to the plan as a new lodgment             |
| 22                   | On lodgment of a substituted plan or any sheet of such a plan or an additional sheet of a plan  | \$104.50   |
| 23                   | On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument  | Such fee as would be appropriate to the instrument as an original lodgment |
| 24                   | On lodgment of an application to amend a plan   | \$104.50   |
|                      | In addition, if the application involves the amendment of a Crown grant, a certificate of title or a folio of the Register kept under the <i>Real Property Act 1900</i> : |  |
|                      | (a) for the first grant, certificate or folio   | \$104.50   |
|                      | (b) for each subsequent grant, certificate or folio   | \$13.90  |
| 25                   | On lodgment of an application for an order terminating a neighbourhood scheme under section 72 of the <i>Community Land Development Act 1989</i>                          | \$104.50   |
|                      | In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application  | \$53.00  |
| 26                   | On lodgment of a building management statement (other than a building management statement lodged with a plan under item 13 or 14)  | \$344.40   |
| <b>Miscellaneous</b> |   |  |
| 27                   | For furnishing a certificate of ownership ( <i>Local Government Act 1993</i> —section 700 (2) or <i>Environmental Planning and Assessment Act 1979</i> —section 151 (2))  | \$53.00  |
|                      | In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour                              | \$53.00  |
| 28                   | On depositing a document or documents pursuant to section 64 of the Act   | \$25.20  |
|                      | In addition, for each document in excess of 4   | \$4.20   |
| 29                   | On application for return of a document or documents deposited pursuant to section 64 of the Act  | \$25.20  |
|                      | In addition, for each document in excess of 4   | \$4.20   |
| 30                   | For inspection of a packet containing a document or documents deposited pursuant to section 64 of the Act   | \$25.20  |
| 31                   | For production of documents at the Office of State Revenue  | \$25.20  |



|    |   |          |
|----|---|----------|
| 32 | On request for entry of a marginal note evidencing a discrepancy between an original instrument and a registered copy of the instrument | \$104.50 |
|----|---|----------|

## Schedule 2 Forms

### Form 1 Notice of resumption of land not subject to the **Real Property Act 1900**

(Clause 6)

*Conveyancing Act 1919*, section 196A (3) (a)

*Conveyancing (General) Regulation 2008*, clause 6

(Extract from Government Gazette of notification of resumption)

I, *[Name and address of person signing the notice]*, certify that the above matter is a true copy of the notification of resumption published in the Government Gazette on *[Date and page number]*.

*[Signed and dated]*

### Form 2 Application for vacation of registration

(Clause 49)

*Conveyancing Act 1919*, section 200

*Conveyancing (General) Regulation 2008*, clause 49

I, *[Name and address of applicant]*, apply for the vacation of the registration of *[Insert nature of instrument and its registration number]*.

Evidence in support of my right to have the registration vacated is set out below/attached.

*[Signed and dated]*

## Schedule 3 Requirements for instruments generally

(Clauses 9 and 10)

### 1 Text

The text must be clearly printed or written:

- (a) across the width of each sheet of paper used, and
- (b) unless the Registrar-General otherwise permits, on one side only of each sheet.

### 2 Margins

The sheets used must have clear margins:

- (a) on the first sheet—of not less than 25 mm (top) and 10 mm (on each side and bottom), and
- (b) on each subsequent sheet—of not less than 10 mm (on each side and top and bottom).

### **3 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) of a paper density of not less than 80 grams per square metre (80 gsm), 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.

### **4 Lettering**

- (1) Unless the Registrar-General otherwise approves, all words must be in the English language, and all letters, numbers and other symbols must be in a font style that is:
  - (a) at least 10 point (1.8 mm) in size, and
  - (b) dense black or dense dark blue in colour, and
  - (c) open in formation and construction, and
  - (d) in an upright style.
- (2) The lines must not overlap. A carbon copy, or a copy in which the typewritten characters blur or spread or are liable to mark or damage an adjacent sheet, will not be accepted.
- (3) Handwriting and any imprint of a seal must be clear and legible and in dense black ink or dense dark blue ink.
- (4) Unless the Registrar-General otherwise approves or this Schedule provides otherwise, symbols may only be used for punctuation of text, and letters must be used instead of special symbols.

### **5 Name and address**

The name and address of a witness who attested to the signing of an instrument is to be set out below the witness's attestation if the attestation does not include the name and address.

### **6 Content must not extend into margin**

No printing, writing or other notation (other than directions or notations authorised by the Registrar-General or as otherwise provided for by this Schedule) must appear in, or extend into, the margin.

## **7 Content must not extend into any seal**

No printing, writing or other notation must extend into any seal.

## **8 Information to be included on registration copy**

In the top margin on the first sheet of a registration copy there must be printed or written the nature of the original instrument and a note of the stamp duty, if any, appearing on the original instrument.

## **9 Alterations**

Alterations may only be made by striking through the matter intended to be altered or by interlineation and not by rubbing, scraping or cutting the surface of the paper or by using correction fluid. An alteration must be verified by the parties to the instrument.

## **10 Verification of alterations**

Signatures or initials verifying alterations must be placed in the margin as near as practicable to the alteration.

## **11 No creases**

The instrument must be flat and free from creases caused by folding or otherwise.

## **12 Registration copy must be true copy**

If a registration copy is made by a photographic or similar approved copying process, the image in the copy must be dense black, permanent, legible and clearly reproduce all details and notations visible on the original. The process must not affect the quality and permanence of the paper.

## **13 Part lots**

A part of a lot must not be shown on a plan or diagram unless the whole of the lot is shown on another part of the plan or diagram, whether or not on the same sheet.

## **14 Plans or diagrams**

Any plan or diagram included in, or annexed to, the instrument must not be in the form of a plan of survey unless the Registrar-General otherwise permits

# **Schedule 4 Requirements for administration sheet**

(Clause 29)

## **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.

## **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) of a paper density of not less than 80 grams per square metre (80 gsm), 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.

## **3 Margins**

- (1) The sheets used must have clear margins of not less than 10 mm on each side and top and bottom.
- (2) No printing, writing or other notation (other than directions or notations authorised by the Registrar-General or as otherwise provided for by this Schedule) must appear in, or extend into, the margin.

## **4 Lettering**

- (1) The text of an administration sheet must be clearly printed or written:
  - (a) across the width of each panel on the sheet of paper used, and
  - (b) on one side only of each sheet.
- (2) All text must be clear and legible and dense black or dense dark blue in colour. The lines must not overlap. A carbon copy, or a copy in which the typewritten characters blur or spread, or are liable to mark or damage an adjacent sheet, will not be accepted.
- (3) Handwriting and any imprint of a seal must be clear and legible and in dense black ink or dense dark blue ink.

## **5 Alterations**

Alterations may only be made by striking through the matter intended to be altered or by interlineation and not by rubbing, scraping or cutting the surface of the paper or by using

correction fluid. An alteration must be verified by the parties to the instrument.

## **6 Verification of alterations**

Signatures or initials verifying alterations must be placed in the margin as near as practicable to the alteration.

## **7 Information to be included on multiple sheets**

If the administration sheet comprises more than one sheet:

- (a) each sheet other than the first sheet must repeat the heading on the first sheet, the subdivision certificate number and date of endorsement and the surveyor's reference, and
- (b) each sheet must be numbered sequentially in the top right hand corner of each sheet as "Sheet ..... of ..... sheets".

## **Schedule 5 Requirements for deposited plans lodged by hand**

(Clause 18)

### **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.

### **2 Use of approved forms**

- (1) A plan intended to be lodged by hand for registration as a deposited plan must be in the approved form.
- (2) Any land that cannot satisfactorily be shown on one sheet may be shown on additional sheets in the approved form. The total number of additional sheets must not be more than 3 unless the Registrar-General otherwise approves.

### **3 Numbering**

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

### **4 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.

## **5 Lettering**

- (1) Unless the Registrar-General otherwise approves, all words must be in the English language, and all letters, numbers and other symbols appearing on a plan must be in a font style that is:
  - (a) dense and black in colour, and
  - (b) in upper case only (except as otherwise provided by this Schedule), and
  - (c) open in formation and construction, and
  - (d) in an upright style.
- (2) Unless the Registrar-General otherwise approves or this Schedule provides otherwise, symbols may only be used for punctuation of text, and letters must be used instead of special symbols.

## **6 Use of colouring and edging prohibited**

Neither colouring nor edging are to be used on a plan sheet.

## **7 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.

## **8 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 correction fluid 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.

## **9 Information to be included on plan sheets**

- (1) Each plan sheet in a series of plan sheets must be numbered consecutively as part of the series (for example, the first and second sheets in a plan that is made up of 4 sheets must be numbered "Sheet 1 of 4 sheets" and "Sheet 2 of 4 sheets", respectively).
- (2) Each plan sheet must contain a north point (directed towards the top of the plan sheet) 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.

#### **10 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".

#### **11 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 "m<sup>2</sup>",
  - (b) areas of one hectare or more must be expressed in hectares (using not more than 4 significant figures), accompanied by the symbol "ha",
  - (c) areas of 10 000 hectares or more must be expressed in square kilometres, accompanied by the symbol "km<sup>2</sup>".
- (2) The total area of a parcel:
  - (a) must be shown within or related to the most significant part of the parcel, and
  - (b) must be the exact mathematical total of all the areas shown on the plan as being within that parcel.

#### **12 Reduction ratio**

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

#### **13 Identification of adjoining lands**

The identities of all adjoining lands must be shown.

#### **14 Identification of new or proposed easements, profits à prendre, restrictions and positive covenants**

- (1) A plan must contain sufficient information to define the site of:
  - (a) any easement, profit à prendre, restriction or positive covenant that is intended to

be created as a consequence of the registration of the plan, and

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

and where necessary, must also contain sufficient information to indicate the relationship of any such easement, profit à prendre, restriction or positive covenant to the boundaries of any affected parcel or lot.

- (2) If a proposed easement is in respect of an existing tunnel, pipe, conduit, wire or other similar object that is underground or is within or beneath an existing building, it is sufficient to indicate on the plan the approximate position of the easement.

#### **15 Identification of existing easements, profits à prendre, restrictions and positive covenants**

- (1) A plan must:
  - (a) contain sufficient information to define the site, nature and origin of any existing easement, profit à prendre, restriction or positive covenant affecting a parcel, and
  - (b) wherever possible, show the relationship of the easement, profit à prendre, restriction or positive covenant to the boundaries of the parcel.
- (2) If an easement is in respect of an existing tunnel, pipe, conduit, wire or other similar object that is underground or is within or beneath an existing building, it is sufficient to indicate on the plan the approximate position of the easement.
- (3) In this clause, **origin**, in relation to an existing easement, profit à prendre, restriction or positive covenant means the Gazette reference or registration number of the instrument or plan by which the easement, profit à prendre, restriction or positive covenant was granted, reserved, notified or otherwise created.

#### **16 Signatures not to appear**

No signatures, initials or seals are to appear on a plan sheet.

**Note—**

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



## **Schedule 6 Requirements for deposited plans lodged electronically**

(Clause 18)

### **1 File type in which plan to be created**

- (1) The plan must be created in a format approved by the Registrar-General.
- (2) A plan comprising more than one sheet must be created as a multipage file.

### **2 Use of approved forms**

- (1) A plan intended to be lodged electronically for registration as a deposited plan must be in the approved form.
- (2) Any land that cannot satisfactorily be shown on one sheet may be shown on additional sheets in the approved form. The total number of additional sheets must not be more than 3 unless the Registrar-General otherwise approves.

### **3 Numbering**

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

### **4 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.

### **5 Lettering**

- (1) Unless the Registrar-General otherwise approves, all words must be in the English language, and all letters, numbers and other symbols appearing on a plan must be in a font style that is:
  - (a) dense and black in colour, and
  - (b) in upper case only (except as otherwise provided by this Schedule), and
  - (c) open in formation and construction, and
  - (d) in an upright style.
- (2) Unless the Registrar-General otherwise approves or this Schedule provides otherwise, symbols may only be used for punctuation of text, and letters must be used instead of special symbols.

## **6 Use of colouring and edging prohibited**

Neither colouring nor edging are to be used on a plan sheet.

## **7 Clarity of detail**

- (1) The plan must be drawn to a scale and the image created in a manner that allows all details and notations to be clearly reproduced by the copying processes used by the Registrar-General.
- (2) The Registrar-General may require a plan file to be resubmitted if, in the opinion of the Registrar-General, the plan image does not comply with subclause (1).

## **8 Alterations**

- (1) A plan image must not be altered.
- (2) Any alterations must be made to the relevant Computer Aided Drafting (CAD) software plan file and a new image created.

## **9 Information to be included on plan sheets**

- (1) Each plan sheet in a series of plan sheets must be numbered consecutively as part of the series (for example, the first and second sheets in a plan that is made up of 4 sheets must be numbered "Sheet 1 of 4 sheets" and "Sheet 2 of 4 sheets", respectively).
- (2) Each plan sheet must contain a north point (directed towards the top of the plan sheet) 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.

## **10 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".

## **11 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 “m<sup>2</sup>”,

- (b) areas of one hectare or more must be expressed in hectares (using not more than 4 significant figures), accompanied by the symbol “ha”,
- (c) areas of 10,000 hectares or more must be expressed in square kilometres, accompanied by the symbol “km<sup>2</sup>”.

(2) The total area of a parcel:

- (a) must be shown within or related to the most significant part of the parcel, and
- (b) must be the exact mathematical total of all the areas shown on the plan as being within that parcel.

## **12 Reduction ratio**

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

## **13 Identification of adjoining land**

The identity of all adjoining land must be shown.

## **14 Identification of new or proposed easements, profits à prendre, restrictions and positive covenants**

(1) A plan must contain sufficient information to define the site of:

- (a) any easement, profit à prendre, restriction or positive covenant that is intended to be created as a consequence of the registration of the plan, and
- (b) any easement or profit à prendre intended to be partially released as a consequence of the registration of the plan, and
- (c) any proposed easement (other than an easement referred to in paragraph (a) or (b)), profit à prendre, restriction or positive covenant, or proposed variation or partial release of an easement or profit à prendre,

and where necessary, must also contain sufficient information to indicate the relationship of any such easement, profit à prendre, restriction or positive covenant to the boundaries of any affected parcel or lot.

(2) If a proposed easement is in respect of an existing tunnel, pipe, conduit, wire or other similar object that is underground or is within or beneath an existing building, it is sufficient to indicate on the plan the approximate position of the easement.

## **15 Identification of existing easements, profits à prendre, restrictions and positive**

### **covenants**

- (1) A plan must:
  - (a) contain sufficient information to define the site, nature and origin of any existing easement, profit à prendre, restriction or positive covenant affecting a parcel, and
  - (b) wherever possible, show the relationship of the easement, profit à prendre, restriction or positive covenant to the boundaries of the parcel.
- (2) If an easement is in respect of an existing tunnel, pipe, conduit, wire or other similar object that is underground or is within or beneath an existing building, it is sufficient to indicate on the plan the approximate position of the easement.
- (3) In this clause, **origin**, in relation to an existing easement, profit à prendre, restriction or positive covenant means the Gazette reference or registration number of the instrument or plan by which the easement, profit à prendre, restriction or positive covenant was granted, reserved, notified or otherwise created.

### **16 Signatures not to appear**

No signatures, initials or seals are to appear on the plan drawing sheets.

**Note—**

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

## **Schedule 7 Requirements for lodging administration sheet electronically**

(Clause 29)

### **1 File type in which image of document to be created**

Each sheet of the completed paper administration sheet complying with Schedule 4 that bears original signatures and seals must be scanned by the lodging party and an image created in a format approved by the Registrar-General.

### **2 Multiple sheets**

An image of an administration sheet comprising more than one sheet must be created as a multipage file.

### **3 Lodging procedure**

- (1) The completed administration sheet must be lodged electronically together with the plan.
- (2) The standard of the electronic file received by the Registrar-General must be acceptable to the Registrar-General.

**Note—**

The completed paper administration sheet, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 56).

## **Schedule 8 Requirements for lodging other documents electronically**

(Clause 18)

### **1 File type in which image of document to be created**

If a document other than an administration sheet is required to be lodged electronically with a plan, such as:

- (a) a building management statement, or
- (b) a development contract or management statement as required by the *Community Land Development Act 1989*, or
- (c) any other documents required by the Registrar-General,

each sheet of the completed paper document must be scanned by the lodging party and an image created in a format approved by the Registrar-General.

### **2 Multiple sheets**

A document comprising more than one sheet must be created as a multipage file.

### **3 Lodging procedure**

- (1) The completed document must be lodged electronically together with the plan.
- (2) The standard of the electronic file received by the Registrar-General must be acceptable to the Registrar-General.

**Note—**

The completed paper document, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 56).

## **Schedule 9 Requirements for section 88B instruments**

(Clause 38)

### **1 Text**

The text of a section 88B instrument must be clearly printed or written:

- (a) across the width of each sheet of paper used, and
- (b) unless the Registrar-General otherwise permits, on one side only of each sheet.

## **2 Margins**

- (1) The sheets used must have clear margins:
  - (a) on the first sheet—of not less than 10 mm (on the left-hand side), 10 mm (on the right-hand side), 25 mm (at the top) and 10 mm (at the bottom), and
  - (b) on each subsequent sheet—of not less than 10 mm (on the sides and top and bottom).
- (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.

## **3 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) of a paper density of not less than 80 grams per square metre (80 gsm), 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.

## **4 Size of lettering**

All text must be at least 10 point (1.8 mm) in size and be clear and legible and dense black or dense dark blue in colour. The lines must not overlap. A carbon copy, or a copy in which the typewritten characters blur or spread, or are liable to mark or damage an adjacent sheet, will not be accepted.

## **5 Legibility**

Handwriting and any imprint of a seal must be clear and legible and in dense black ink or dense dark blue ink.

## **6 Alterations**

Alterations may only be made by striking through the matter intended to be altered or by interlineation and not by rubbing, scraping or cutting the surface of the paper or by using correction fluid. An alteration must be verified by the parties to the instrument.

## **7 Verification of alterations**

Signatures or initials verifying alterations must be placed in the margin as near as practicable to the alteration.

## 8 Signatures

The final sheet must bear:

- (a) the attested original signatures of the persons who appear to the Registrar-General to be the owners, mortgagees, or covenant chargees of the land over which the easement, or in respect of which the restriction, covenant or profit à prendre, is intended to be created, and
- (b) in the case of the creation of a restriction on use or a positive covenant pursuant to section 88D or 88E of the Act—the attested original signature of the prescribed authority in whose favour the restriction or positive covenant is to be created, and
- (c) if the instrument is intended to impose an obligation, however described, on a prescribed authority or the owner of land outside of the plan to maintain or repair, or to contribute to the maintenance or repair of, the site of an easement—the attested original signature of the prescribed authority or owner, and
- (d) the attested original signatures of the persons who appear to the Registrar-General to be the owners, mortgagees or covenant chargees of the land that has the benefit of the easement or profit à prendre that is intended to be released or partially released, and
- (e) the attested original signature of any person whose consent is required to a release or partial release of the easement or profit à prendre, and
- (f) the capacity in which each signatory has signed.

## 9 Numbering of sheets

If the instrument comprises more than one sheet:

- (a) each sheet other than the first sheet and the final sheet must repeat the heading on the first sheet and the plan identification appearing in Part 1 of the instrument, and
- (b) each sheet other than the final sheet must be signed by an attesting witness to the final sheet, and
- (c) each sheet must be numbered sequentially in the top right hand corner of each sheet as “Sheet ..... of ..... sheets”.

## 10 References to signatures

In this Schedule, a reference to a **signature** includes a reference to the affixing of a seal or any other method by which a corporation or prescribed authority executes an instrument.

## Schedule 10 Requirements for lodging section 88B instruments

## electronically

(Clause 38)

### 1 File type in which image of instrument to be created

Each sheet of the completed paper instrument complying with Schedule 9 that bears original signatures and seals must be scanned by the lodging party and an image created in a format approved by the Registrar-General.

### 2 Multiple sheets

An instrument comprising more than one sheet must be created as a multipage file.

### 3 Lodging procedure

- (1) The instrument must be lodged electronically together with the plan.
- (2) The standard of the electronic file received by the Registrar-General must be acceptable to the Registrar-General.

#### **Note—**

The completed paper section 88B instrument, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 56).

## Schedule 11 Prescribed witnesses

(Clause 52)

### Part 1

accountant

bank manager

barrister

chancellor, deputy chancellor or dean of a faculty of a university

commissioned officer in the defence forces of the Commonwealth of Australia

commissioner for taking affidavits

dentist

judge

justice of the peace

licensed conveyancer

magistrate



mayor or general manager of any local government council  
medical practitioner  
member of parliament of the Commonwealth or of a State or Territory  
member of the police force of the Commonwealth or of a State or Territory  
minister of religion  
notary public  
officer in charge of a police station  
pharmacist  
postal manager of a post office  
principal or deputy principal of a school or college  
registered surveyor  
registrar of the Local Court  
solicitor  
stockbroker  
veterinary practitioner

## **Part 2**

Australian Consular Officer, within the meaning of section 26 of the *Oaths Act 1900* or British Consular Officer, within the meaning of the same provision, exercising functions in country where the document is executed or witnessed  
commissioned officer in the defence forces of the Commonwealth of Australia  
commissioner for taking affidavits  
judge  
justice of the peace  
legal practitioner  
magistrate  
mayor or general manager of any local government corporation  
medical practitioner  
notary public

officer in charge of a police station