

Conveyancing (General) Regulation 2013

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New South Wales

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Conveyancing (General) Regulation 2013



New South Wales

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Conveyancing (General) Regulation 2013



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Conveyancing (General) Regulation 2013*.

2 Commencement

This Regulation commences on 1 September 2013 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Conveyancing (General) Regulation 2008* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.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.

fee unit—see Part 2 of Schedule 1.

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.

section 88B instrument:

- (a) means an instrument of a kind that:
- (i) under clause 29, is required to accompany a deposited plan that creates an easement, profit à prendre, restriction on the use of land or positive covenant under section 88B of the Act, or
 - (ii) under clause 30, is required to accompany a deposited plan that releases an easement or profit à prendre under section 88B of the Act, and
- (b) includes a section 88B instrument within the meaning of the *Strata Schemes (Freehold Development) Regulation 2012* or the *Strata Schemes (Leasehold Development) Regulation 2012*.

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*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

Part 2 The General Register of Deeds

4 (Repealed)

5 Renewal of registration of writs, court orders or legal proceedings

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.

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 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).

7 (Repealed)

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, 10 (Repealed)

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 (Repealed)

Part 3 Register of plans

Division 1 General

13 Particulars of deposited plans to be recorded (cf clause 13 2008 Reg)

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 Deposited plans to be plans of survey (cf clauses 14 and 42 2008 Reg)

A deposited plan must be in the form of a plan of survey unless the Registrar-General otherwise permits.

15 Numbering of parcels and other information on deposited plan (cf clauses 15 and 16 2008 Reg)

- (1) All parcels of land (including parcels intended for public reserves and drainage reserves) shown on a deposited plan must be numbered on the plan consecutively in strict numerical sequence, using no more than 4 numerals for each parcel number.
- (2) All parcels of land shown on a deposited plan that are intended to be dedicated as roads must be numbered consecutively on the plan in strict numerical sequence, using no more than 4 numerals for each parcel number, if the Registrar-General requires them to be so numbered.
- (3) Parcels must not be identified on a deposited plan by reference to a "section" or "block".

- (4) The complete dimensions (including area) of each parcel must be shown on the deposited plan.
- (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.
- (6) 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 (if applicable),
 - (b) the surveyor's reference (if applicable),
 - (c) the date of the survey (if applicable),
 - (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 (if applicable).

16 Particulars relating to roads and other matters on deposited plan (cf clauses 19, 20 and 22 2008 Reg)

- (1) 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.
- (2) 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 present name of every road shown in the plan.

Note—

Plans of this kind are **compiled plans** for the purposes of the regulations made under the *Surveying and Spatial Information Act 2002*.

- (3) If the name of a road shown in a plan differs from that shown on the cadastral record maintained by the Registrar-General, the plan must be accompanied by a letter from the appropriate authority confirming the change of name and the extent of the change.

17, 18 (Repealed)

19 Standard technical requirements relating to electronic lodgment (cf clause 17 2008 Reg)

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

20 Electronic lodgment of documents—excluded documents (cf clause 25 2008 Reg)

- (1)-(4) (Repealed)
- (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:
 - (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.

21 Lodgment of plans by hand (cf clause 23 2008 Reg)

- (1) This clause applies if a person lodges a plan by hand for registration in the office of the Registrar-General as a deposited plan.
- (2) (Repealed)
- (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 and prepared in accordance with any relevant standard technical requirements determined under clause 19.

22 (Repealed)

23 Miscellaneous plans (cf clause 26 2008 Reg)

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 that, if shown on a plan, constitute the plan as a miscellaneous plan:

- (a) the site of an easement, profit à prendre, restriction on the use of land or positive covenant to be created under section 88B of the Act,
- (b) the site of an easement or profit à prendre to be released under section 88B of the Act,
- (c) 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) a division of land effected, prior to 1 July 1920, by the erection of structures (such as buildings, walls and fences) if the plan also shows:
 - (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.

24 Plans of identification (cf clause 27 2008 Reg)

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

Division 2 Administration sheet

Note—

Section 195A of the Act requires plans lodged for registration to be accompanied by a separate document in the form approved by the Registrar-General. In this Regulation, the separate document is called an **administration sheet**. Section 195C of the Act requires the endorsement, in accordance with the regulations, of certain certificates relating to plans lodged for registration or recording. This Division requires those certificates to be endorsed on the administration sheet. Further, section 195D of the Act generally requires relevant signatures to appear on the administration sheet.

25-27 (Repealed)

28 Registration of an administration sheet (cf clause 32 2008 Reg)

On registration of a deposited plan, the administration sheet accompanying the deposited plan is to be registered in the register of plans.

Division 3 Deposited plans that create, release or indicate easements and other interests in land

29 Indication of creation of easement, profit à prendre, restriction or positive covenant under section 88B (cf clause 35 2008 Reg)

- (1) If a deposited plan is intended, on registration, to create an easement, profit à prendre, restriction on the use of land or positive covenant pursuant to section 88B of the Act, a statement of intention to that effect must be legibly printed on the administration sheet lodged with the plan.
- (2) The statement of intention must not:
 - (a) incorporate the terms of the easement, profit à prendre, restriction or positive covenant, or
 - (b) specify the lots intended to be benefited and burdened.
- (3) The deposited plan must be accompanied by a section 88B instrument.
- (4) If it is intended that a deposited plan, on registration, create an easement pursuant to section 88B of the Act:
 - (a) the site of the easement must be indicated in the plan-drawing area of the approved form of the deposited plan 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
 - (b) if the easement is limited in height or depth, the levels of the limits shown on the deposited plan must be related to Australian Height Datum (AHD) as defined in the [Surveying and Spatial Information Act 2002](#).

30 Indication of release of easement or profit à prendre under section 88B (cf clause 36

2008 Reg)

If a deposited plan is intended, on registration, 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:

- (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) the deposited plan must be accompanied by a section 88B instrument, and
- (c) sufficient information must be included in the section 88B instrument, or shown on the deposited plan, to indicate the extent of the release.

31 Indication of proposed site of easement or other interest in land where section 88B not applied (cf clause 33 2008 Reg)

- (1) A deposited plan may designate the site of a proposed easement, profit à prendre, restriction on the use of land or positive covenant that is intended to be created by an instrument of grant or reservation (other than pursuant to section 88B of the Act by registration of the plan) if:
 - (a) the designation of the site of the proposed easement, profit à prendre, restriction or positive covenant includes the word “proposed” or an abbreviation of that word, and
 - (b) no 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 lodged with the plan.
- (2) A deposited plan may designate the proposed varied site of an existing easement or profit à prendre that is intended to be varied by an instrument of variation pursuant to section 47 (5A) of the *Real Property Act 1900* (other than pursuant to section 88B of the Act by registration of the plan) if:
 - (a) the designation of the proposed varied site of the existing easement or profit à prendre includes the word “proposed” or an abbreviation of that word, and
 - (b) no statement of the intention to vary the easement or profit à prendre is entered on the administration sheet lodged with the plan.
- (3) The designation of the site of a proposed easement, profit à prendre, restriction or positive covenant in accordance with this clause does not, for the purposes of section 88B of the Act, indicate in the prescribed manner an intention to create an easement, profit à prendre, restriction or positive covenant.

32 Indication of dedication of public roads or creation of reserves (cf clause 34 2008 Reg)

- (1) This clause applies to a deposited plan that, 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.

Division 4 Section 88B instruments

33 Form of section 88B instruments (cf clause 37 2008 Reg)

- (1) A section 88B instrument is to be in the approved form.
- (2)–(9) (Repealed)

34, 35 (Repealed)

36 Registration of section 88B instruments (cf clause 40 2008 Reg)

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](#)

37 Application of Division (cf clause 41 2008 Reg)

This Division applies to deposited plans with respect to land that is subject to the provisions of the [Real Property Act 1900](#).

38 Subdivision, consolidation or acquisition of part of land in a folio (cf clause 43 2008 Reg)

- (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 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, unless the Registrar-General otherwise requires, be prepared on the basis of information recorded on plans held on public record.

Note—

Plans prepared on the basis of such information are **compiled plans** for the purposes of the regulations made under the [Surveying and Spatial Information Act 2002](#).

- (4) The Registrar-General may dispense with the requirement to show the residue:
 - (a) in the case of land vested in Roads and Maritime Services, a public road, a public railway or an irrigation channel, or

- (b) in any other case where the Registrar-General considers that compliance with the requirement would be unduly onerous.

39 Alteration of boundaries of strata title common property (cf clause 44 2008 Reg)

- (1) A deposited plan of subdivision or consolidation lodged for the purpose of altering the external boundaries of common property 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.
- (3) In this clause, **common property** means common property that is:
 - (a) created under the [Strata Schemes Development Act 2015](#), 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](#).

Part 4

40, 41 (Repealed)

Part 5 Fees

42 Prescribed fees

Schedule 1 sets out the prescribed fees for the matters or things to be done listed in that Schedule.

43 Fee payable to a prescribed authority for a certificate under section 88G of the Act (cf clause 48 2008 Reg)

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

Part 6 Miscellaneous

44 Plans of subdivision for lease purposes relating to caravan parks, mobile home estates or forestry

- (1) For the purposes of the definition of **plan of subdivision for lease purposes** in section 23H of the Act, a plan of subdivision is marked to indicate that development consent has been granted under the [Environmental Planning and Assessment Act 1979](#) subject to a condition that the subdivision is a subdivision for lease purposes if

the plan contains a statement that:

- (a) development consent has been granted under that Act subject to such a condition, and
 - (b) the plan relates to land in a caravan park or manufactured home estate.
- (2) For the purposes of the definition of **plan of subdivision for lease purposes** in section 23J of the Act, a plan of subdivision is marked to indicate that development consent has been granted under the *Environmental Planning and Assessment Act 1979* subject to a condition that the subdivision is a subdivision for forestry lease purposes if the plan contains a statement that development consent has been granted under that Act subject to such a condition.

45 Vacation of registrations (cf clause 49 2008 Reg)

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 Form 2 as set out in Schedule 2.

46 Appointment of receiver by a mortgagee (cf clause 50 2008 Reg)

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.

47 Compliance with covenants to produce documents (cf clause 51 2008 Reg)

- (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 and lodged in duplicate. Its particulars must not be handwritten.

48 Prescribed witnesses to deeds (cf clause 52 2008 Reg)

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 or an external Territory—any person of a class referred to in Part 1 of Schedule 9, 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 9.

49 Easements in gross (cf clause 53 2008 Reg)

- (1) For the purposes of section 88A of the Act, each of the following corporations is a prescribed authority:
 - (a) Actew Distribution Ltd (ACN 073 025 224),

- (b) Australian Rail Track Corporation Limited (ACN 081 455 754),
- (c) Crown Castle Australia Pty Ltd (ACN 090 873 019),
- (d) Directlink (No. 1) Pty Limited (ACN 085 123 468),
- (e) an energy services corporation within the meaning of the *Energy Services Corporations Act 1995*,
- (e1) the owner of a transacted distribution system or transacted transmission system under the *Electricity Network Assets (Authorised Transactions) Act 2015*,
- (f) Envestra (NSW) Pty Limited (ACN 083 199 839),
- (g) Eraring Energy Pty Limited (ACN 164 994 012),
- (h) Hunter Water Corporation,
- (i) an irrigation corporation within the meaning of the *Water Management Act 2000*,
- (j) Jemena Eastern Gas Pipeline (3) Pty Ltd (ACN 067 715 646),
- (k) Jemena Gas Networks (NSW) Ltd (ACN 003 004 322),
- (l) Jemena Networks (ACT) Pty Ltd (ACN 008 552 663),
- (m) the Ministerial Holding Corporation constituted by the *State Owned Corporations Act 1989*,
- (n) Santos NSW (Narrabri Energy) Pty Ltd (ACN 055 932 315),
- (o) Santos NSW (Narrabri Power) Pty Ltd (ACN 104 570 943),
- (p) Santos NSW Pty Ltd (ACN 094 269 780),
- (q) SDP Australia No. 3 Pty Ltd (ACN 158 077 411),
- (r) Silverton Wind Farm Transmission Pty Ltd (ACN 139 624 632),
- (s) SPI Rosehill Network Pty Limited (ACN 131 213 691),
- (t) Water NSW,
- (u) Sydney Desalination Plant Pty Limited (ACN 125 935 177),
- (v) Sydney Water Corporation,
- (w) Telstra Corporation Limited (ACN 051 775 556),
- (x) The Albury Gas Co Ltd (ACN 000 001 249),

- (y) Vodafone Network Pty Limited (ACN 081 918 461),
- (z) EnergyAustralia NSW Pty Ltd (ACN 163 935 635),
- (aa) GSP Energy Pty Limited (ACN 101 038 386),
- (ab) Optus Mobile Pty Limited (ACN 054 365 696),
- (ac) Optus Networks Pty Limited (ACN 008 570 330),
- (ad) AGL Macquarie Pty Limited (ACN 167 859 494),
- (ae) Snowy Hydro Limited (ACN 090 574 431),
- (af) NBN Co Limited (ACN 136 533 741),
- (ag) Sunset Power International Pty Ltd (ACN 162 696 335),
- (ah) Kooragang Water Pty Ltd (ACN 609 789 808),
- (ai) Cochrane Dam Pty Ltd (ACN 613 015 768),
- (aj) BAI Communications Pty Ltd (ACN 086 048 562).
- (ak) Blayney and Crookwell Windfarm Pty Ltd (ACN 612 416 029).

(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](#).

50 Imposition of restrictions or public positive covenants on certain land vested in prescribed authorities (cf clause 54 2008 Reg)

For the purposes of section 88D of the Act, each of the following is a prescribed authority:

- (a) Australian Postal Corporation,
- (b) Defence Housing Australia,
- (c) an energy services corporation within the meaning of the [Energy Services Corporations Act 1995](#),
- (c1) the owner of a transacted distribution system or transacted transmission system under the [Electricity Network Assets \(Authorised Transactions\) Act 2015](#),
- (d) Envestra (NSW) Pty Limited (ACN 083 199 839),
- (e) Hunter Water Corporation,

- (f) an irrigation corporation within the meaning of the *Water Management Act 2000*,
- (g) Water NSW,
- (h) Sydney Water Corporation,
- (i) The Uniting Church in Australia Property Trust (N.S.W.),
- (j) AGL Macquarie Pty Limited (ACN 167 859 494),
- (k) Snowy Hydro Limited (ACN 090 574 431).

51 Regulation of use of land not held by a prescribed authority (cf clause 55 2008 Reg)

For the purposes of section 88E of the Act, each of the following is a prescribed authority:

- (a) Australian Postal Corporation,
- (b) an energy services corporation within the meaning of the *Energy Services Corporations Act 1995*,
- (b1) the owner of a transacted distribution system or transacted transmission system under the *Electricity Network Assets (Authorised Transactions) Act 2015*,
- (c) Envestra (NSW) Pty Limited (ACN 083 199 839),
- (d) Greening Australia (Capital Region) (ACN 110 484 181),
- (e) Hunter Water Corporation,
- (f) an irrigation corporation within the meaning of the *Water Management Act 2000*,
- (g) Water NSW,
- (h) Sydney Water Corporation,
- (i) The Uniting Church in Australia Property Trust (N.S.W.).

52 Periods for retention of documents (cf clause 56 2008 Reg)

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.

53 Identified documents (cf clause 57 2008 Reg)

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*.

54 Savings

Any act, matter or thing that, immediately before the repeal of the *Conveyancing (General) Regulation 2008*, had effect under that Regulation continues to have effect under this Regulation.

55 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 1 July 1998.
- (2) The provisions of Division 3 of Part 23 of the Act, and the *Conveyancing (General) Regulation 1992*, as in force immediately before 1 July 1998 apply to and in respect of a plan to which this clause applies as if:
 - (a) the 1997 amending Act had not been enacted, and

- (b) the *Conveyancing (General) Regulation 1992* had not been repealed, and
- (c) 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:

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*.

Schedule 1 Fees

(Clause 42)

Note—

Section 3B (2) of the *Real Property Act 1900* provides that a fee prescribed under that Act or any other Act for or in respect of the exercise of a titling and registry function is, when the function is exercised by the authorised operator, the maximum fee that is payable and the authorised operator can accept a lesser fee for or in respect of the exercise of the function.

Part 1 Fees payable during 2017/2018 financial year

The fees specified by this Part are exclusive of GST. GST may be added to any such fee to the extent that the fee is consideration for a taxable supply (within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth).

Item	Matter for which fee payable	Fees (in fee units)
Registration in the General Register of Deeds		
1	For recording or registering any instrument in the General Register of Deeds	1.2618
2	On request for preparation of a registration copy of an instrument or part of an instrument	0.1296 for up to 4 pages, and then 0.1296 for each additional 4 pages or part of that number
Digital images		
3	For supplying a digital image 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	0.1296
	(b) by electronic means	0.0867
4	In addition to item 3—for copyright purposes in relation to supplying an image of a registered plan or part of a registered plan	See clause 3 of this Schedule

5 On lodgment of an application for a certified copy of a document in the custody of the Registrar-General 1.2618

Official searches

6 On request under section 197 of the Act:
 (a) for an official search (including an office copy of the certificate of the result of the search) 3.4254

(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) 3.4254

7 On request for an office copy of the certificate of the result of an official search or continuation of an official search 1.2618

Name search of the General Register of Deeds

8 For a search against each name:
 (a) to any person attending an office 0.1296

(b) by electronic means 0.0867

Plans

9 On lodgment for registration or recording of:
 (a) a plan for the acquisition of land and easements under the *Pipelines Act 1967* 9.4893

(b) a plan under the *Community Land Development Act 1989* 5.6936

(c) any other plan (other than a plan prepared solely for the purpose of placing survey information on public record) 2.6570

10 In addition to item 9, where more than one lot is shown:
 (a) in a plan under the *Community Land Development Act 1989*—for each additional lot shown in the plan 5.6936

(b) in any other plan (other than a plan prepared solely for the purpose of placing survey information on public record)—for each additional lot shown in the plan 2.6570

11 In addition to item 9:

	(a) for the management statement accompanying a community, precinct or neighbourhood plan, including any associated plans or sketches	3.4254
	(b) for any development contract accompanying a community, precinct or neighbourhood plan	3.4254
12	In addition to item 9, 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	1.2618
13	In addition to item 9, 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	1.2618
14	In addition to item 9, if the plan is accompanied by a building management statement	3.4254
15	In addition to item 9, 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	1.2618
16	In addition to item 9, 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	1.2618
17	On lodgment of an additional or replacement sheet in conjunction with an application to amend a registered plan under the <i>Community Land Development Act 1989</i>	1.2618
18	For recording a plan prepared solely for the purpose of placing survey information on public record	1.2618
19	For examining a plan if survey information has been added to an original compiled plan (within the meaning of regulations made under the <i>Surveying and Spatial Information Act 2002</i>) as a result of a requisition	1.2618
20	For pre-examination of:	
	(a) a plan under the <i>Community Land Development Act 1989</i> —for each lot shown in the plan	6.2629
	(b) for any other plan—for each lot shown in the plan	2.9227
21	For preparation and supply of a plan	9.3893
22	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

23	On lodgment of a substituted plan or any sheet of such a plan or an additional sheet of a plan	1.2618
24	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
25	On lodgment of an application to amend a plan	1.2618
26	In addition to item 25, 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	1.2618
	(b) for each subsequent grant, certificate or folio	0.1296
27	On lodgment of an application for an order terminating a neighbourhood scheme under section 72 of the <i>Community Land Development Act 1989</i>	1.2618
28	On lodgment of a building management statement (other than a building management statement lodged with a plan under item 9)	3.4254

Requisitions sent by Registrar-General

29	For a requisition sent by the Registrar-General requiring correction, re-execution or the supply of additional information in support of a plan or associated instrument lodged for registration or recording)	0.9258
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Miscellaneous

30	For furnishing a certificate of ownership (section 700 (2) of the <i>Local Government Act 1993</i> or section 151 (2) of the <i>Environmental Planning and Assessment Act 1979</i>)	1.2618
31	On depositing a document or documents pursuant to section 64 of the Act	0.3444
32	In addition to item 31—for each document in excess of 4	0.0866
33	On application for return of a document or documents deposited pursuant to section 64 of the Act	0.3444
34	In addition to item 33—for each document in excess of 4	0.0866
35	For inspection of a packet containing a document or documents deposited pursuant to section 64 of the Act	0.3444
36	For production of documents at the Office of State Revenue	0.3129
37	On request for entry of a marginal note evidencing a discrepancy between an original instrument and a registered copy of the instrument	1.2618

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part:

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a **fee unit** is:

(a) in the financial year 2017/2018—\$100, and

(b) in each subsequent financial year—the amount calculated as follows:

$$\begin{aligned} & \$100 \times \\ & \$100 \times \frac{A}{B} \end{aligned}$$

where:

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

(2) The amount of a fee unit and the amount of a fee calculated by reference to a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).

(3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Adjustment of fees relating to copyright

(1) The fee amount that is to apply for the 2017/2018 financial year in relation to the fee described in item 4 of Part 1 is:

(a) for a supply under item 3 (a)—\$0.94, and

(b) for a supply under item 3 (b)—\$1.14.

(2) The fee amount for those fees that is to apply for a financial year subsequent to the 2017/2018 financial year is the amount calculated in accordance with the formulae set out in Schedule A to the Order made by the Copyright Tribunal of Australia on 28

October 2013 in the matter of *Copyright Agency Limited v State of New South Wales* (a copy of which is published on the website of the Office of the Registrar General).

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Registrar-General is required to publish on the NSW legislation website a notice of the amount of the fee unit for the next financial year. That notice may be published by the addition of an editorial note relating to the amount of the fee unit in the in force version of this Regulation published on the NSW legislation website.
- (2) The Registrar-General is also required to give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of fee unit calculated or the operation of clause 3 (2) under this Part.
- (3) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the publication of a notice by the Registrar-General under this clause.

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 2013, 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 45)

Conveyancing Act 1919, section 200

Conveyancing (General) Regulation 2013, clause 45

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]

Schedules 3-8 (Repealed)

Schedule 9 Prescribed witnesses

(cf Schedule 11 2008 Reg)

(Clause 48)

Part 1 Deed signed within Australia or external Territory

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 Deed signed within a foreign country

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 the 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