
Public consultation draft

Conveyancing (General) Regulation 2013

Explanatory note

- (j) prescribing authorities for the purposes of provisions of the Act dealing with the creation of certain easements and the imposition of restrictions and public positive covenants on land,
- (k) the period during which the Registrar-General may require production (in electronic format or hard copy) of plans or other documents lodged in electronic form,
- (l) prescribing documents kept by the Registrar-General in electronic format that, if issued as a hard copy version by the Registrar-General, are to be treated as having the same validity and effect as the original document,
- (m) other matters of a machinery nature, including savings and transitional matters.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature, matters of a savings or transitional nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the *Conveyancing Act 1919*, including sections 23H (definition of **plan of subdivision for lease purposes**), 23J (definition of **plan of subdivision for lease purposes**), 38 (1A) (c), 64 (1), 88A (1) (paragraph (c) of definition of **prescribed authority**), 88B (2), 88D (1) (paragraph (c) of definition of **prescribed authority**), 88E (1) (paragraph (c) of definition of **prescribed authority**), 88G (3), 184D (3), 184E (1), 186 (2), 190A (3), 195 (1) (paragraph (c) of the definition of **miscellaneous plan** and paragraph (i) of the definition of **plan of identification**), 195C (1), 196AB (2) (c), 196A (3) (a), 196E (4), 197 (1), 199, 200 (2), 202 (the general regulation-making power), 203A (2) and clause 1 of Schedule 9.

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Clause 1 Conveyancing (General) Regulation 2013

Part 1 Preliminary

Conveyancing (General) Regulation 2013

under the

Conveyancing Act 1919

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 This Regulation replaces the *Conveyancing (General) Regulation 2008* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.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

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.

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Conveyancing (General) Regulation 2013

Clause 3

Preliminary

Part 1

- (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 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*.

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

Information published at
in this document was correct at
time of publication, but may have
been superseded

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Clause 4 Conveyancing (General) Regulation 2013

Part 2 The General Register of Deeds

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:
 - (a) the registration, under section 186 of the Act, of writs, court orders or legal proceedings, or
 - (b) the registration, under section 196A of the Act, of notices of resumption, or
 - (c) 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.
- (2) The application may also be accompanied by a registration copy of the writ, court order or legal proceedings.
- (3) 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.

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Conveyancing (General) Regulation 2013

Clause 6

The General Register of Deeds

Part 2

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 for registration and other documents

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

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Clause 10 Conveyancing (General) Regulation 2013

Part 2 The General Register of Deeds

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.

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Conveyancing (General) Regulation 2013

Clause 13

Register of plans

Part 3

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 Certain deposited plans to be plans of survey (cf clause 14 2008 Reg)

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

Note. See also clause 38.

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,

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Clause 16 Conveyancing (General) Regulation 2013

Part 3 Register of plans

- (e) the plan heading,
- (f) the local government area,
- (g) the locality,
- (h) the subdivision certificate number.

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 Cadastral record identifying locations and names of roads (cf clause 21 2008 Reg)

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 clause 16.

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Conveyancing (General) Regulation 2013

Clause 18

Register of plans

Part 3

18 Other requirements relating to form and content of plans and other documents (cf clause 18 2008 Reg)

- (1) The following provisions apply in relation to a plan lodged electronically for registration in the office of the Registrar-General as a deposited plan:
- (a) if the plan is in an image format—Schedule 4,
 - (b) if the plan is not in an image format—clauses 1 (1), 2 (1) and 13–16 of Schedule 4.

- (2) Schedule 5 applies in relation to any other documents that are required to be electronically lodged with the plan.

Note. If a plan is lodged electronically, all other documents that are required to be lodged with the plan must also be lodged electronically in an electronic form approved by the Registrar-General, except for any of the following:

- (a) certificates of title and office copies of court orders,
- (b) the original documents that clause 20 provides may not be produced electronically,
- (c) documents that are excepted by the Registrar-General,
- (d) documents that are excepted under any other Act.

See section 6A (3) of the Act.

- (3) 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 6.

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.

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Clause 20 Conveyancing (General) Regulation 2013

Part 3 Register of plans

20 Electronic lodgment of plans and other documents (cf clause 25 2008 Reg)

- (1) A person lodging a plan or other documents electronically for registration in the office of the Registrar-General must lodge the plan or other documents in accordance with the e-plan system established under section 195AA of the Act or otherwise with the consent of the Registrar-General.
- (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:
 - (a) such instruments and data as the Registrar-General may require,
 - (b) a completed plan checklist in the approved form, if required by the Registrar-General.

Note. An administration sheet is also required to be lodged with the plan. See Division 2.

- (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:
 - (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) The original plan must be accompanied by the following:
 - (a) a completed plan lodgment form in the approved form,

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Conveyancing (General) Regulation 2013

Clause 22

Register of plans

Part 3

- (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. An administration sheet is also required to be lodged with a deposited plan. See Division 2.

- (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 Replacement plan for plan lodged by hand may be lodged electronically

(cf clause 24 2008 Reg)

- (1) This clause applies to a plan lodged by hand for registration that is required to be replaced because 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) authorised to lodge plans and other documents electronically under section 195AA of the Act, 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 administration sheet is not required to be lodged with a replacement plan (whether the replacement plan is lodged electronically or by hand) unless the Registrar-General so directs.

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Clause 23 Conveyancing (General) Regulation 2013

Part 3 Register of plans

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 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.

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Conveyancing (General) Regulation 2013

Clause 25

Register of plans

Part 3

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 Content of administration sheet (cf clause 28 2008 Reg)

- (1) An administration sheet:
 - (a) must repeat the heading of the plan with which it is required to be lodged and the surveyor's reference (if applicable) in the appropriate panels on each sheet of the approved form, and
 - (b) must contain the following certificates (endorsed in the appropriate panels on the approved form):
 - (i) a survey certificate of a surveyor registered under the *Surveying and Spatial Information Act 2002* that is in the form prescribed by the regulations made under that Act, unless the Registrar-General dispenses with the certificate,
Note. Section 195C (1) (c) of the Act enables the Registrar-General to dispense with the certificate.
 - (ii) in the case of a plan of subdivision (other than a plan referred to in section 195C (2) of the Act)—a subdivision certificate,
 - (iii) such other certificates as the Registrar-General may require, and
 - (c) in the case of an administration sheet for a deposited plan that does not comprise a plan of survey—must contain a statement identifying the source of the information from which the plan has been compiled.
- (2) In this clause, a reference to a subdivision certificate is:
 - (a) if the plan concerned is a plan of subdivision within the meaning of Division 3B of Part 2 of the Act—a reference to a subdivision certificate that states that the plan is a plan of subdivision for lease purposes, or
 - (b) if the plan is a plan of subdivision for lease purposes within the meaning of Division 3C of Part 2 of the Act—a reference to 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.

