



New South Wales

Conveyancing (General) Amendment (e-plan) Regulation 2002

under the

Conveyancing Act 1919

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

KIM YEADON, M.P.,

Minister for Information Technology

Explanatory note

The object of this Regulation is to amend the *Conveyancing (General) Regulation 1998* so as to provide for the electronic lodgment of plans and certain accompanying documents for registration or recording by the Registrar-General after commencement of the *Conveyancing Legislation Amendment (e-plan) Act 2002*.

The amendments:

- (a) make requirements for the content of plans and related instruments that will be lodged electronically (such as a signatures form on which signatures, seals and certificates are to be recorded) and make requirements for their electronic lodgment, and
- (b) prescribe the documents kept in electronic form of which the Registrar-General may issue a hard copy version as evidence, and
- (c) will require the retention of the originals of documents lodged in electronic form for at least 12 months unless the Registrar-General agrees to a shorter period.

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Explanatory note

The opportunity is also taken to update references to the *Surveyors (Practice) Regulation 2001*.

This Regulation is made under the *Conveyancing Act 1919*, including sections 6A, 195C, 196AB, 202 (the general regulation-making power) and 203A.

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1 Name of Regulation

This Regulation is the *Conveyancing (General) Amendment (e-plan) Regulation 2002*.

2 Commencement

This Regulation commences on 19 August 2002.

3 Amendment of Conveyancing (General) Regulation 1998

The *Conveyancing (General) Regulation 1998* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

identified document means a document specified for the purposes of section 203A of the Act in clause 49B.

signatures form means an approved form for signatures used in connection with the lodging of a plan.

[2] Clause 17 Other information on plans

Insert “, except where they are provided on a signatures form that complies with the requirements set out in Schedule 3B” after “information” in clause 17 (1) (c).

[3] Clause 17 (2) and (3)

Insert “, except where the certificate is provided on a signatures form that complies with the requirements set out in Schedule 3B” after “purposes” where secondly occurring in each subclause.

[4] Clause 18

Omit the clause. Insert instead:

18 Plans lodged for registration as deposited plans to comply with Schedule 3 or 3A

- (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 3.
- (2) Where the Registrar-General permits a plan to be lodged electronically for registration as a deposited plan:
 - (a) the plan must comply with the requirements set out in Schedule 3A, and

- (b) if other documents are lodged with it, the other documents must also be lodged electronically and the requirements set out in Schedule 3D must be complied with, except in the case of any documents referred to in clause 21A (5).

[5] Clauses 19 (1) and 27 (1) (c)

Omit “1996”. Insert instead “2001”.

[6] Clause 20 Particulars on a deposited plan which is not a plan of survey

Insert “, except where it is provided on a signatures form that complies with the requirements set out in Schedule 3B” after “the surveyor” in clause 20 (c).

[7] Clause 21 Lodgment of plans by hand

Insert “by hand” after “a plan” in clause 21 (1).

[8] Clause 21 (2) (g)

Insert after clause 21 (2) (f):

, and

- (g) a signatures form, if adopted, that complies with the requirements set out in Schedule 3B.

[9] Clause 21 (3)

Omit the subclause. Insert instead:

- (3) The print of each sheet of the plan lodged must contain particulars of the subdivision certificate, where required, under an original signature of the person who gave that certificate.

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[10] Clause 21A

Insert after clause 21:

21A Lodgment of plans electronically

- (1) An authorised 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 signatures form and such other instruments and data as the Registrar-General may require, and
 - (b) a completed plan checklist in the approved form, if required by the Registrar-General.
- (4) The relevant fee as set out in Schedule 6 must be paid in the manner and by the time specified by the Registrar-General.
- (5) The following original documents must be produced and lodged by hand at the office of the Registrar-General, and may not be lodged electronically:
 - (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.

[11] Clause 22 Requirements for plan to record replacement of reference marks

Insert “or in Schedule 3A, depending on the manner in which the original plan was lodged” after “3” in clause 22 (1) (a).

[12] Clause 22 (1) (d)

Insert “in an approved manner” after “signed”.

[13] Clause 22 (2)

Omit “produced”. Insert instead “lodged”.

[14] Part 3, Division 1A

Insert after clause 24:

Division 1A Signatures form

Note. If a plan is lodged by hand but the signatures and consents required are not endorsed on the plan, or the plan is lodged electronically, the signatures and consents required must be endorsed on the form approved by the Registrar-General for signatures (the **signatures form**) and that form must be lodged in the same way as the plan (see section 195D (2A) of the Act).

24A Content of the signatures form

- (1) The signatures form must repeat the plan heading and the surveyor’s reference in the appropriate panels on each sheet of the approved form.
- (2) The signatures form must repeat 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*, as indicated on the plan, in the panel provided on the approved form.
- (3) The signatures form must contain all the certificates required by the Registrar-General, endorsed in the appropriate panels on the approved form.

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24B Signatures form to comply with Schedule 3B or Schedules 3B and 3C requirements

- (1) A signatures form that is lodged by hand at the office of the Registrar-General must comply with the requirements set out in Schedule 3B.
- (2) A signatures form can be lodged electronically only if:
 - (a) the plan to which it relates is also lodged electronically, and
 - (b) the signatures form complies with the requirements set out in Schedule 3B and is lodged in accordance with the requirements set out in Schedule 3C.

24C Refusal to accept a signatures form

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

24D Registration of a signatures form

On registration of a deposited plan that is accompanied by a signatures form, the signatures form is to be registered in the register of plans.

[15] Clause 26 Indication of dedication of public roads or creation of reserves

Insert at the end of the clause:

- (2) The signatures form, if adopted, that accompanies the plan must repeat the statement of intention to dedicate in the panel provided on the signatures form.

[16] Clause 27 Indication of creation of easements

Omit "an instrument (a *section 88B instrument*)" from clause 27 (3).

Insert instead: "a section 88B instrument".

[17] Clause 30 Section 88B instruments to comply with Schedule 4 or Schedule 4 and 4A requirements

Omit “such requirements as the Register-General specifies” from clause 30 (2).

Insert instead “the requirements set out in Schedule 4 and the requirements set out in Schedule 4A must also be complied with”.

[18] Clauses 49A and 49B

Insert after clause 49:

49A 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 12 months commencing with the day on which the plan or other document was registered or recorded.

49B 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) an instrument under section 88B of the Act,
- (b) a building management statement under Division 3B of Part 23 of the Act,
- (c) a statement of 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*,

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- (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 sections 5, 9, 13, 18 and 26 of the *Community Land Development Act 1989*, and
- (j) a community, precinct or neighbourhood management statement referred to in sections 5, 9, 13 and 18 of the *Community Land Development Act 1989*.

[19] Schedule 3 Requirements for deposited plans etc

Omit “etc” from the heading. Insert instead “**lodged by hand**”.

[20] Schedule 3, clause 2 (1)

Omit the subclause. Insert instead:

- (1) A plan intended to be lodged by hand for registration as a deposited plan must be in the approved form.

[21] Schedule 3, clause 4

Omit “words,”. Insert instead “words must be in the English language, and”.

[22] Schedule 3, clause 8 (1)

Omit the subclause. Insert instead:

- (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).

[23] Schedule 3, clause 8 (5)

Insert “, except where those signatures or seals are provided on a signatures form that complies with the requirements set out in Schedule 3B” after “sheet” where secondly occurring.

[24] Schedule 3, clause 10 (2)

Omit the subclause. Insert instead:

- (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.

[25] Schedules 3A–3D

Insert after Schedule 3:

Schedule 3A Requirements for deposited plans lodged electronically for registration

(Clauses 18 (2) (a) and 22 (1) (a))

1 File type in which plan to be created

- (1) Each plan sheet must be created in a Tagged Image File Format (TIFF) approved by the Registrar-General.
- (2) Each image must be created to the following specifications:
 - (a) **Size**—true to the approved form size (standard A2 or A3),
 - (b) **Colour**—must be black and white (monochrome),
 - (c) **Resolution**—200 dots per inch (dpi),
 - (d) **Compression**—CCITT Group 4.
- (3) 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 one or more (but not more than 3) additional sheets in the approved form.

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3 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.

4 Lettering

Unless the Registrar-General otherwise approves, all words must be in the English language, and all letters, figures and symbols appearing on a plan must be in a font that is:

- (a) dense and black in colour,
- (b) in upper case only (except as otherwise provided by this Schedule),
- (c) open in formation and construction, and
- (d) in an upright style.

5 Use of colouring and edging prohibited

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

6 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).

7 Alterations

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

8 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 upwards) 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.

9 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".

10 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 "m²",
 - (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 "km²".
- (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.

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11 Reduction ratio

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

12 Identification of adjoining land

The identity of all adjoining land must be shown.

13 Identification of easements

- (1) A plan must contain sufficient information to define the site of:
 - (a) any easement intended to be created as a consequence of the registration of the plan, and
 - (b) any easement intended to be partially released as a consequence of the registration of the plan, and
 - (c) any proposed easement, or proposed variation or partial release of an easement, other than an easement referred to in paragraph (a) or (b), and, where necessary, must also contain sufficient information to indicate the relationship of any such easement to the boundaries of any affected parcel or lot.
- (2) The site, nature and origin of any existing easement affecting a parcel or lot in a plan, and its relationship to the boundaries of that parcel or lot, must be shown wherever possible. *Origin*, in relation to an existing easement, means the Gazette reference or registration number of the instrument or plan by which the easement was granted, reserved, notified or otherwise created.
- (3) If an easement is in respect of an existing tunnel, pipe, conduit, wire or other similar object which is underground or is within or beneath an existing building, it is sufficient to indicate on the plan the approximate position of the easement.

14 Signatures not to appear

No signatures or seals will appear on the plan drawing sheets.

Note. All signatures and seals must be shown on the signatures form.

Schedule 3B Requirements for signatures form

(Clauses 17, 20 (c), 21 and 24B)

Note. When a signatures form is adopted, all signatures and seals must be shown on the form. No signatures or seals will appear on the plan drawing sheets, except as provided by clause 21 (3). The completed signatures form must be lodged with and in the same manner as the plan.

1 Use of approved form

- (1) A signatures form must be in the approved form.
- (2) 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.

2 Paper

The paper used must be:

- (a) white and free from discolouration and blemishes, and
- (b) not less than 80 grams per square metre, and
- (c) 297mm in length by 210mm in width (standard A4),
or 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 10mm on each side and top and bottom.
- (2) Typewriting, printing, writing or seals (other than directions or notations authorised by the Registrar-General) must not extend into a margin.

4 Lettering

- (1) The text of a signatures form 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.

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- (2) All text must be clear and legible and in dense black ink or dense dark blue ink. 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

- (1) Alterations must be made by striking through the matter intended to be altered and not by rubbing, scraping or cutting the surface of the paper or by using correction fluid.
- (2) Signatures or initials noticing alterations by interlineation or the striking through of matter must be placed in the margin as near as practicable to the alteration.

6 Information to be included on multiple sheets

If the signatures form 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 3C Requirements for lodging signatures form electronically

(Clause 24B (2) (b))

1 File type in which image of document to be created

- (1) Each sheet of the completed paper signatures form complying with Schedule 3B that bears original signatures and seals will be scanned by the lodging party and an image created in a Tagged Image File Format (TIFF) approved by the Registrar-General.

- (2) Each image must be created to the following specifications:
- (a) **Size**—true to the approved form size (standard A4),
 - (b) **Colour**—must be black and white (monochrome),
 - (c) **Resolution**—200 dots per inch (dpi),
 - (d) **Compression**—CCITT Group 4.

2 Multiple sheets

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

3 Lodging procedure

- (1) The TIFF image of the completed signatures form will be lodged electronically together with the TIFF image of 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 signatures form, bearing original signatures and seals, must be retained by the lodging party for a period of at least 12 months following the date of registration of the plan (see clause 49A).

Schedule 3D Requirements for lodging other documents electronically

(Clause 18 (2) (b))

1 File type in which image of document to be created

- (1) Where a document other than a signatures form 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 will be scanned by the lodging party and an image created in a Tagged Image File Format (TIFF) approved by the Registrar-General.

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(2) Each image must be created to the following specifications:

- (a) **Size**—true to the approved form size (standard A4),
- (b) **Colour**—must be black and white (monochrome),
- (c) **Resolution**—200 dots per inch (dpi),
- (d) **Compression**—CCITT Group 4.

2 Multiple sheets

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

3 Lodging procedure

- (1) The TIFF image of the completed document will be lodged electronically together with the TIFF image of 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 12 months following the date of registration of the plan (see clause 49A).

[26] Schedule 4 Requirements for section 88B instruments

Re-number items (1)–(10) as clauses 1–10, respectively, and insert the following headings to those clauses:

Text

Margins

Paper

Size of lettering

Legibility

Margins

Form of alterations

Acknowledgement of alterations

Signatures

Numbering of sheets

[27] Schedule 4A

Insert after Schedule 4:

Schedule 4A Requirements for lodging section 88B instruments electronically

(Clause 30 (2))

1 File type in which image of instrument to be created

- (1) Each sheet of the completed paper instrument complying with Schedule 4 that bears original signatures and seals will be scanned by the lodging party and an image created in a Tagged Image File Format (TIFF) approved by the Registrar-General.
- (2) Each image must be created to the following specifications:
 - (a) **Size**—true to the approved form size (standard A4),
 - (b) **Colour**—must be black and white (monochrome),
 - (c) **Resolution**—200 dots per inch (dpi),
 - (d) **Compression**—CCITT Group 4.

2 Multiple sheets

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

3 Lodging procedure

- (1) The TIFF image of the instrument will be lodged electronically together with the TIFF image of 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 12 months following the date of registration of the plan (see clause 49A).