

Conservation Agreement collation, execution & registration guidelines

1. Preparation

- Print 3 copies of the agreement – single sided, in colour, on A4 white paper
- Place “sign here” stickers on page 2 (and 3 if execution blocks continue to page 3) and at the bottom of the very last page (where indicated)
- If the agreement is to be registered, prepare LRS cover page (Form 13NP):
 - complete each item as appropriate

Note: the “Torrens Title” in (A) should be the whole of the land, not just the conservation area. For lots that are grouped by Auto-Consol, the reference “being part of Auto-Consol...” must be included.
 - in (F) insert the words “See Annexure A pg 2” (and 3 if required) into an available text box
 - in (G) select the form of execution of the Owner (eg individual, company, trustee etc) and insert the words “See Annexure A pg 2” (and 3 if required) into an available text box
 - print 1 copy and insert as page 1 (ie behind the cover page)

2. Signing / execution by Owner

You should ensure that your cover letter to the Owner contains the following instructions:

- All signatories must sign in blue/black ink in full:
 - at the bottom of the last page of the Conservation Agreement, where indicated (execution of witness is not required on last page)
 - on the execution page (page 2) – please ensure that all signatories sign in the place where their entity or individual names appears

Signing by a company

- + Affix the common seal of the company in the presence of a director and secretary or as otherwise provided in the company's Articles of Association or Corporations Law. A seal does not need to be affixed if the company is signing under s127 Corporations Act
- + Signatures do not overlap the common seal if one is used
- + The common seal is in dark blue or black ink
- + All signatories must print their full name and authority (ie director and/or secretary)

Signing by individual

- + All signatories must note their full names (ie don't use initials or shortened versions of name, eg use “William” not “Bill” if this is the proper name)
- + Each signatory must have their signature witnessed by an independent witness over the age of 18
- + Each witness must note their full name and address in the space provided

Signing by Power of Attorney

- + All signatories must note their full names (ie don't use initials or shortened versions of name, eg use “William” not “Bill” if this is the proper name)

- + Each signatory must have their signature witnessed by an independent witness over the age of 18
- + Each witness must note their full name and address in the space provided
- + The Signatory is to provide the BCT with the original Power of Attorney or a certified copy. The Power of Attorney must be registered with NSW Land Registry Services.

- Sign each copy of the Conservation Agreement in the same way (including the same officers/individuals/witnesses)
- Ensure that the Owner inserts the date in the Owner execution clause (page 2), as at the date that the Owner actually executes
- All handwritten alterations, insertions and deletions must be first authorised by the BCT, and then must be initialled in the margin by all signatories

3. Consents

- Consent is required if:
 - any of the following affect the land:
 - mortgage (mortgagee must sign Part D of the Conservation Agreement)
 - lease (tenant must sign Part D of the Conservation Agreement)
 - covenant (covenantee must sign Part D of the Conservation Agreement)
 - the land is owned by a Local Aboriginal Land Council (NSW Aboriginal Land Council must sign Part D of the Conservation Agreement)
- Check the title to the land to see if any of the above are apparent
- If a consenting party (eg a bank) provides its own form of consent, this should be affixed to the back of the agreement and the words "See separate consent document lodged with this Deed" should be inserted in Part D, per the drafting note in the agreement

Note: the BCT must not sign until all relevant consents have been obtained

4. Signing / execution by BCT

- All signatories (ie BCT delegate and witness) must sign in blue/black ink in full:
 - on the execution page (page 2)
 - at the bottom of the last page of the Conservation Agreement, where indicated (execution of witness is not required on last page)
- Sign each copy of the Conservation Agreement in the same way (including the same delegate/witness)
- Date each copy of the Conservation Agreement:
 - as at the date that the BCT executed, within the execution clause (page 2)
 - as at the date on which the last party executed:
 - in Item A of the Schedule of Terms
 - if the agreement is being registered, in (E) on page 1 (Form 13NP)
- All handwritten alterations, insertions and deletions must be initialled in the margin by all signatories

5. Registration

- Check that the LRS cover page (Form 13NP) is completed in full – eg “See Annexure” wording inserted into (F) and (G) and total pages number is inserted at bottom of the page
- Ensure agreement has been properly signed as per instructions above
- Ensure all pages are consecutively numbered
- Lodge at LRS:
 - one copy of the conversation agreement only. Cover page removed and 13NP form at the front
 - the standard cover letter (this is important as it notes that the LRS has pre-approval for the use of photographs in the Conversation Agreement)

6. Finalisation

- Check that the Conservation Agreement has been properly registered
- Write the registration number (ie the number on the registration certificate) on page 1 of the other copies of the Conservation Agreement
- Send one copy of the original Conservation Agreement to the Owner and retain the other in the BCT files