



Government Gazette

of the State of

New South Wales

Number 446–Other
Friday, 10 September 2021

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the *Geographical Names Act 1966*, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Foundry Park for a reserve located at 115-117 Murray Street, Finlay in Berrigan LGA.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au

NARELLE UNDERWOOD
Chair

Geographical Names Board
346 Panorama Ave
BATHURST NSW 2795

NOTIFICATION OF DISPOSAL OF A CROWN ROAD

Section 152B Roads Act 1993

The road hereunder described has been disposed of under section 152B of the *Roads Act 1993*. In accordance with section 152H of that Act, the road comprised therein has ceased to be a Crown road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon disposal, title to the land, comprising the former Crown road, is transferred to freehold.

The Hon Melinda Pavey, MP
Minister for Water, Property & Housing

DESCRIPTION

Parishes - Williams, Sandy Creek; County - Hardinge

Land District - Armidale; LGA - Armidale Regional

Road Disposed: Lot 2 DP 1245863

File No : 08/10104

Real Property Act 1900 Lodgment Rules Version 2

Notice is hereby given under section 12F of the *Real Property Act 1900* that on 11 October 2021 Version 2 of the Lodgment Rules will commence and will replace Version 1 of the Lodgment Rules.

Dated: 8 September 2021

Jeremy Cox
Registrar General
Office of the Registrar General

Explanatory note

The object of this notice is to provide at least 20 business days' notice of the commencement of Version 2 of the Lodgment Rules, in accordance with section 12F(3) of the *Real Property Act 1900*.

Lodgment Rules

Section 12F *Real Property Act 1900*

Version 2.0

Effective: 11 October 2021

Title: Lodgment Rules, Section 12F *Real Property Act 1900*

Copyright

© Crown in right of New South Wales through the Office of the Registrar General 2021.



This copyright work is licensed under a Creative Commons Australia Attribution 4.0 licence, <http://creativecommons.org/licenses/by-nd/4.0/>

Real Property Act 1900

Section 12F

These Lodgment Rules will come into effect on 11 October 2021. They have been made under s 12F of the *Real Property Act 1900* on behalf of the Registrar General by New South Wales Land Registry Services (NSW LRS), under delegation, pursuant to the *Land and Property Information NSW (Authorised Transaction) Act 2016*.

NSW Land Registry Services

On behalf of the **Registrar General**
8 September 2021

Table of Contents

Contents

1.	Preliminary	6
2.	Commencement	7
3.	Definitions and Interpretation	7
3.1	Definitions	7
3.2	Interpretation	8
4.	The General Register of Deeds	9
4.1	Registration of instruments generally	9
4.2	Registration of writs, court orders or legal proceedings	9
4.3	Registration of notices of resumption	10
4.4	Production of instrument for registration and other documents	10
4.5	Instruments to comply with Schedule 1 requirements	10
4.6	Plans and diagrams to comply with Schedule 1 requirements	10
4.7	Vacation of registration	11
5.	Lodgment requirements for Miscellaneous Dealing form	11
6.	Requirements for plans annexed to dealings or caveats lodged in the Torrens Register	11
7.	Requirements for deposited plans lodged under the CA	12
7.1	Requirements relating to form and content of plans and other documents	12
7.2	Electronic lodgment of plans and other documents	12
7.3	Lodgment of plans by hand	13
7.4	Replacement plan for plan lodged by hand may be lodged electronically	13
7.5	Content of administration sheet	13
7.6	Administration sheet to comply with Schedule 8	14
7.7	Refusal to accept an administration sheet	14
7.8	Form and content of section 88B instruments	14
7.9	Section 88B instruments to comply with Schedule 9	16
7.10	Refusal to accept section 88B instruments	16
8.	Requirements for strata plans	16
8.1	Location plans and floor plans	16
8.2	Administration Sheet	16
8.3	Lodgment of strata plans by hand	16
8.4	Lodgment of strata plans electronically	16
8.5	Proposed affecting interests	17
9.	Searches	17
9.1	Official searches under Part 11A of the Real Property Act 1900	17
9.2	Official searches under section 197 of the Conveyancing Act 1919	17
9.3	Public searches for the purposes of section 199 of the Conveyancing Act 1919	18

10. Lodgment requirements for the Dealing with Exception form.....	18
11. Requirements for making alterations to dealings, caveats and instruments lodged in electronic form in the Torrens Register	19
Schedule 1– Requirements for instruments registered in the General Register of Deeds	20
Schedule 2 – Requirements for dealings, caveats and instruments lodged in paper form in the Torrens Register	22
Schedule 3 – Requirements for plans annexed to dealings (other than leases of premises) or caveats.....	22
Schedule 4 – Requirements for plans annexed to leases of premises.....	25
Schedule 5 – Requirements for deposited plans lodged electronically	27
Schedule 6 – Requirements for lodging other documents electronically with deposited plans	30
Schedule 7–Requirements for deposited plans lodged by hand	31
Schedule 8 – Requirements for administration sheet lodged with deposited plans	34
Schedule 9 – Requirements for section 88B instruments	36
Schedule 10 – Requirements for lodging strata plans	38
Schedule 11 – Location plans	41
Schedule 12 – Floor plans.....	43
Schedule 13 – Requirements for administration sheet lodged with strata plans.....	44
Schedule 14 – Requirements for lodging administration sheet and other documents electronically with strata plans.....	45
Schedule 15 – Lodgment requirements for Miscellaneous Dealing form.....	46
Schedule 16 – Lodgment requirements for Dealing with Exception dealing form	47
Schedule 17 - Requirements for making alterations to dealings, caveats and instruments lodged in electronic form in the Torrens Register.	48

Lodgment Rules

1. Preliminary

These Lodgment Rules are made by NSW LRS on behalf of the Registrar General (under delegation), under section 12F of the *Real Property Act 1900* and may be referred to as the Lodgment Rules.

Section 12F Lodgment rules

- (1) The Registrar-General may make rules (*lodgment rules*), not inconsistent with a relevant Act or the regulations under a relevant Act, for or with respect to any of the following:
 - (a) the lodgment of documents under or for the purposes of a relevant Act, including requirements as to the preparation, form and content of documents and the procedures to be followed in connection with the lodgment of documents,
 - (b) the procedure for the making of any application in connection with the provision of titling and registry services,
 - (c) business operating hours for the purposes of the provision of titling and registry services,
 - (d) any other matter that is required or permitted to be the subject of lodgment rules by a provision of a relevant Act or the regulations under a relevant Act.

Note Requirements of the lodgment rules are requirements made under this Act. Section 39 of this Act provides for the rejection of documents that do not comply with such a requirement. Section 195B of the *Conveyancing Act 1919* makes similar provision.

- (2) The lodgment rules cannot make provision for or with respect to matters for or with respect to which conveyancing rules may be determined.
- (3) A lodgment rule must be published in the Gazette and commences on the day or days specified in the lodgment rule. Commencement is to be no earlier than 20 business days after the day on which the lodgment rule is published in the Gazette unless the Minister approves of an earlier commencement in a particular case (but no earlier than the date of publication of the lodgment rule in the Gazette).
- (4) A lodgment rule may also be published on a website maintained by the Registrar-General or in such other manner as the Registrar-General considers appropriate.
- (5) The power to make lodgment rules includes the power to amend or repeal the rules.
- (6) In this section:
document includes dealing, plan, application, caveat and memorandum.
relevant Act means this Act or any other Act under which titling, and registry functions are exercised.

2. Commencement

These Lodgment Rules come into force on 11 October 2021.

3. Definitions and Interpretation

Note. The *Conveyancing Act 1919*, *Real Property Act 1900*, *Strata Schemes Development Act 2015* and the *Interpretation Act 1987* (and any regulations made under those Acts) contain definitions and other provisions that affect the interpretation and application of these Lodgment Rules.

3.1 Definitions

3.1.1 In these Lodgment Rules:

administration sheet, in relation to a plan (other than a strata plan), means the separate document, in the approved form, required to be lodged with the plan under section 195A of the CA. In relation to a strata plan means an administration sheet within the meaning of the SSDA.

affecting interest means an easement, a profit à prendre, a restriction on the use of land or a positive covenant.

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

approved form means a form approved by the Registrar-General for the purposes of the CA, RPA or SSDA or any other Act in relation to which the expression is used.

CA means the *Conveyancing Act 1919*.

Dealing with Exception form means the approved form to be used to attach certain dealings and caveats and to be lodged electronically, pursuant to Rule 10 of these Lodgment Rules.

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 CA.

deposited plan means a plan (other than a strata plan) lodged for registration or recording with the Registrar-General under the CA.

ECNL means the *Electronic Conveyancing National Law*.

Electronic Lodgment Network has the same meaning as in the ECNL.

General Register of Deeds means the General Register of Deeds maintained under section 184C of the CA.

Lodgment Rules exception form means a form approved by NSW LRS which lists the reasons for using the Miscellaneous Dealing form or the Dealing with Exception form. Available here: www.nswlrs.com.au

Miscellaneous Dealing form means the approved form to be used to attach certain dealings, caveats or other instruments and to be lodged electronically, pursuant to Rule 5 of these Lodgment Rules.

NSW LRS means New South Wales Land Registry Services, the operator of the land titling and registry functions under the *Land and Property Information NSW (Authorised Transaction) Act 2016*.

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

RPA means the *Real Property Act 1900*.

section 88B instrument:

- (a) means an instrument of a kind that:
 - (i) under clause 18 of the *Conveyancing (General) Regulation 2018*, is required to accompany a deposited plan or strata plan (other than a building alteration plan) that creates an affecting interest under section 88B of the CA, or
 - (ii) under clause 19 of the *Conveyancing (General) Regulation 2018*, is required to accompany a deposited plan or strata plan (other than a building alteration plan) that releases an easement or profit à prendre under section 88B of the CA, and

SSDA means the *Strata Schemes Development Act 2015*.

strata plan includes, unless these Lodgment Rules provide otherwise, a strata plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan within the meaning of the SSDA.

Torrens Register means the Register required to be maintained by section 31B(1) of the RPA.

3.2 Interpretation

In these Lodgment Rules, unless a contrary intention is evident:

- 3.2.1 A reference to these Lodgment Rules is a reference to these Lodgment Rules as amended, varied or substituted from time to time.
- 3.2.2 A reference to any legislation or to any provision of any legislation includes:
 - (a) all legislation, regulations, proclamations, ordinances, by-laws and instruments issued under that legislation or provision; and
 - (b) any modification, consolidation, amendment, re-enactment or substitution of that legislation or provision.
- 3.2.3 Where a word or phrase is given a defined meaning, any other part of speech or grammatical form in respect of that word or phrase has a corresponding meaning.
- 3.2.4 A reference to a Rule or Schedule is a reference to a Rule of, or a Schedule to, these Lodgment Rules.

- 3.2.5 A reference to a Rule includes a reference to all of its sub-requirements.
- 3.2.6 Where general words are associated with specific words which define a class, the general words are not limited by reference to that class.
- 3.2.7 Notes included in these Lodgment Rules do not form part of the Rules.
- 3.2.8 The word 'or' is not exclusive.

4. The General Register of Deeds

Note: See also provisions of the *Conveyancing Act 1919* and the *Conveyancing (General) Regulation 2018*.

4.1 Registration of instruments generally

4.1.1 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 CA, and
- (c) the prescribed fee as determined by Schedule 1 of the *Conveyancing (General) Regulation 2018*, 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.

4.1.2 Rule 4.1 does not apply to:

- (a) the registration, under section 186 of the CA, of writs, court orders or current legal proceedings, or
- (b) the registration, under section 196A of the CA, of notices of resumption, or
- (c) the registration of notifications of compulsory acquisition under a Commonwealth Act.

4.2 Registration of writs, court orders or legal proceedings

4.2.1 An application for registration of a writ, court order or current legal proceedings in the General Register of Deeds under section 186 of the CA 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 CA, and
- (c) the prescribed fee as determined by Schedule 1 of the *Conveyancing (General) Regulation 2018*.

4.2.2 The application may also be accompanied by a registration copy of the writ, court order or legal proceedings.

4.3 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 CA must be accompanied by:

- (a) a completed deeds index particulars form that includes the certificate referred to in section 184D (3) of the CA, and
- (b) the prescribed fee as determined by Schedule 1 of the *Conveyancing (General) Regulation 2018*, and
- (c) a completed notice of sale in the approved form, if required by the Registrar-General.

4.4 Production of instrument for registration and other documents

4.4.1 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 to the Registrar-General in such manner as may be approved.

4.4.2 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.

4.5 Instruments to comply with Schedule 1 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 1.

4.6 Plans and diagrams to comply with Schedule 1 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 1, 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.

4.7 Vacation of registration

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

- (a) be made in the approved form, and
- (b) be accompanied by the prescribed fee as determined by Schedule 1 of the *Conveyancing (General) Regulation 2018*.

5. Lodgment requirements for Miscellaneous Dealing form

Note: See also provisions of the *Real Property Act 1900* and the *Real Property Regulation 2019*.

- 5.1 The Miscellaneous Dealing form can be used to electronically lodge the following documents:
 - 5.1.1 dealings or caveats; or
 - 5.1.2 instruments.
- 5.2 A Miscellaneous Dealing form lodged pursuant to Rule 5.1.1 must:
 - 5.2.1 satisfy an exception published on the Registrar General's website from time to time, and
 - 5.2.2 be accompanied by a properly completed Lodgment Rules exception form, unless otherwise approved by NSW LRS.
- 5.3 NSW LRS may approve a Miscellaneous Dealing form, or any accompanying documents, to be lodged otherwise than in accordance with Rule 5.1.
- 5.4 Schedule 15 sets out the requirements for the lodgment of the Miscellaneous Dealing form.

Note: The Registrar General will provide a 20-business day notice period before any amendment to the exceptions are published on its website.

6. Requirements for plans annexed to dealings or caveats lodged in the Torrens Register

Note: See also provisions of the *Real Property Act 1900* and the *Real Property Regulation 2019*. *This rule applies to any dealing or caveat lodged affecting the Torrens Register.*

- 6.1 A plan that is annexed to a dealing (other than a lease of premises) or caveat must comply with the requirements of Schedule 3.
- 6.2 A plan that is annexed to a lease of premises must comply with the requirements of Schedule 4.

7. Requirements for deposited plans lodged under the CA

Note: See also provisions of the *Conveyancing Act 1919* and the *Conveyancing (General) Regulation 2018*.

Note: Rule 8 sets out the requirements for strata plans.

7.1 Requirements relating to form and content of plans and other documents

7.1.1 The following provisions apply in relation to a plan lodged electronically for registration with the Registrar-General as a deposited plan:

- (a) if the plan is in an image format, the plan must comply with the requirements of Schedule 5,
- (b) if the plan is not in an image format the plan must comply with the requirements set out in clauses 1 (1), 2 (1) and 13–15 of Schedule 5.

7.1.2 The provisions of Schedule 6 apply 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) sealed copies of court orders,
 - (b) the original documents that clause 14 of the *Conveyancing (General) Regulation 2018* 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 CA.

7.1.3 A plan lodged by hand for registration with the Registrar-General as a deposited plan must comply with the requirements set out in Schedule 7.

7.2 Electronic lodgment of plans and other documents

7.2.1 A person lodging a plan or other documents electronically for registration with the Registrar-General must lodge the plan or other documents in accordance with the e-plan system established under section 195AA of the CA or otherwise with the consent of the Registrar-General.

7.2.2 Plan lodgment details must be provided in the manner required by the Registrar-General.

7.2.3 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 (See Rules 7.5 and 7.6)

7.2.4 The prescribed fee as determined by Schedule 1 of the *Conveyancing (General) Regulation 2018* must be paid in the manner and by the time specified by the Registrar-General.

7.3 Lodgment of plans by hand

The original plan must be accompanied by the following:

- (a) a completed plan lodgment form in the approved form,
- (b) a completed statement of the title particulars in the approved form, if required by the Registrar-General,
- (c) one print of each sheet of the plan (each sheet being a positive reproduction on a light background),
- (d) the prescribed fee as determined by Schedule 1 of the *Conveyancing (General) Regulation 2018*,
- (e) a completed plan checklist in the approved form, if required by the Registrar-General,
- (f) such instruments as the Registrar-General may require.

Note: An administration sheet is also required to be lodged with a deposited plan (See Rules 7.5 and 7.6)

7.4 Replacement plan for plan lodged by hand may be lodged electronically

7.4.1 Rule 7.4 applies to a plan lodged by hand for registration that is required to be replaced.

7.4.2 The Registrar-General may permit a replacement plan to be lodged electronically in respect of a plan to which Rule 7.4 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 CA, 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

7.4.3 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.

7.5 Content of administration sheet

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

7.5.2 In Rule 7.5, a reference to a subdivision certificate is:

- (a) if the plan concerned is a plan of subdivision for lease purposes within the meaning of Division 3B of Part 2 of the CA—a reference to a subdivision certificate stating that the plan is a plan of subdivision for lease purposes and that it relates to land within a caravan park or a manufactured home estate, or
- (b) if the plan is a plan of subdivision for lease purposes within the meaning of Division 3C of Part 2 of the CA—a reference to a subdivision certificate stating that the plan is a plan of subdivision for forestry lease purposes.

Note. Part 3 Division 3 of the *Conveyancing (General) Regulation 2018* may require further matters to be included on the administration sheet.

7.6 Administration sheet to comply with Schedule 8

An administration sheet must comply with the requirements set out in Schedule 8.

Note. See Rules 7.1.2, 7.2, clauses 13 and 14 of the *Conveyancing (General) Regulation 2018* in relation to electronic lodgment.

7.7 Refusal to accept an administration sheet

The Registrar-General may refuse to accept an administration sheet that, in the Registrar-General's opinion, is not in the approved form or does not comply with or is not lodged in accordance with Rules 7.5 – 7.6.

7.8 Form and content of section 88B instruments

- 7.8.1 The instrument must, in Part 1 of the approved form, repeat each (if any) statement of intention to create an affecting interest in the same form (and, where there is more than one statement of intention, in the same order) as set out in the administration sheet lodged with the relevant plan.

- 7.8.2 The instrument must contain in Part 1 of the approved form, after each such statement of intention, a schedule setting out the lot numbers of the lots burdened by the affecting interest (numbered individually and in numerical sequence) and, opposite the lot number of each lot burdened:
- (a) the numbers of the lots intended to receive the benefit of the affecting interest, and
 - (b) the name of any road to which any affecting interest is to be appurtenant, and
 - (c) the name of anybody in whose favour any easement referred to in section 88A of the CA or positive covenant without a dominant tenement is to be created, and
 - (d) the name of any prescribed authority in whose favour any restriction or positive covenant that is of the type that may be imposed under section 88D or 88E of the CA is to be created.
- 7.8.3 The instrument must, in Part 1A of the approved form, repeat each (if any) statement of intention to release an easement or profit à prendre in the same form (and, where there is more than one, in the same order) as set out in the administration sheet lodged with the relevant plan.
- 7.8.4 The instrument must contain in Part 1A of the approved form, after each such statement of intention, a schedule setting out the lot numbers of the lots burdened by each easement or profit à prendre proposed to be released and, opposite the lot number of each lot burdened:
- (a) the numbers of the lots that receive the benefit of the easement or profit à prendre, and
 - (b) the name of any road to which the easement is appurtenant, and
 - (c) the name of any prescribed authority in whose favour any easement referred to in section 88A of the CA was created.
- 7.8.5 If each lot in a plan is intended to be burdened by an affecting interest, the benefit of which is intended to be received by every other lot in the plan, it is sufficient if the words “each lot” and “every other lot”, or words to the same effect, are respectively noted in the schedule.
- 7.8.6 The instrument is to set out, in Part 2 of the approved form, the terms of each affecting interest referred to in any statement of intention set out in Part 1 of the approved form.
- 7.8.7 However, if a statement of intention in Part 1 of the instrument uses an expression, the meaning of which is provided for in the CA by section 88A and Schedule 4A or section 181A and Schedule 8, and it is intended:
- (a) that the expression have that meaning in the instrument—no terms are to be set out in Part 2 of the approved form in respect of the statement of intention, or
 - (b) that the expression have another meaning in the instrument—the terms of the relevant easement are to be set out in Part 2 of the approved form in respect of the statement of intention.

7.8.8 No sketch, drawing or other diagram is to appear on the instrument.

7.9 Section 88B instruments to comply with Schedule 9

A section 88B instrument must comply with the requirements set out in Schedule 9.

Note. See Rules 7.1.2, 7.2, clauses 13 and 14 of the *Conveyancing (General) Regulation 2018* in relation to electronic lodgment.

7.10 Refusal to accept section 88B instruments

The Registrar-General may refuse to accept a section 88B instrument that, in the Registrar-General's opinion, does not comply with Rules 7.8 and 7.9.

8. Requirements for strata plans

Note: See also provisions of the *Strata Schemes Development Act 2015* and the *Strata Schemes Development Regulation 2016*.

8.1 Location plans and floor plans

8.1.1 A location plan must comply with Schedules 10 and 11.

8.1.2 A floor plan must comply with Schedules 10 and 12.

8.2 Administration Sheet

8.2.1 An administration sheet that is lodged by hand must comply with Schedule 13.

8.2.2 An administration sheet that is lodged electronically must comply with Schedules 13 and 14.

8.3 Lodgment of strata plans by hand

A strata plan may not be lodged by hand for registration unless it is lodged with the following:

- (a) a completed plan lodgment form in an approved form,
- (b) a copy of each drawing sheet of the plan which, if the strata plan required a strata certificate, is signed by the person who signed the strata certificate,
- (c) a completed plan checklist in an approved form, if required by the Registrar-General.
- (d) the prescribed fee as determined by Schedule 7 of the *Strata Schemes Development Regulation 2016*.

8.4 Lodgment of strata plans electronically

8.4.1 A strata plan and any accompanying documents may not be lodged electronically for registration unless:

- (a) they are lodged in accordance with the e-plan system established by section 195AA of the CA or otherwise with the consent of the Registrar-General, and
- (b) the accompanying documents comply with the requirements of Schedule 14.

- 8.4.2 All documents that are required to be lodged with a strata plan that is lodged electronically must also be lodged electronically, except:
- (a) any of the following documents, but only if the Registrar-General requires the document to be lodged by hand:
 - (i) a consent in writing signed by a caveator, lessee, judgment creditor or other person,
 - (ii) sealed court order, power of attorney, statutory declaration or other original document.
- 8.4.3 The prescribed fee as determined by Schedule 7 of the *Strata Schemes Development Regulation 2016* must be paid in the manner and by the time specified by the Registrar General.

8.5 Proposed affecting interests

A strata plan may designate the site of a proposed affecting interest that is intended to be created (otherwise than under section 88B of the CA) if:

- (a) the interest is shown as proposed by use of the word “proposed” or an abbreviation of that word, and
- (b) no statement of intention to create the affecting interest is included in the administration sheet lodged with the strata plan, and
- (c) if the affecting interest is to apply to only part of the land to which the strata plan relates, the proposed site of the affecting interest is shown and it is distinguished from any other affecting interest to be created under section 88B of the CA, and
- (d) if the affecting interest is limited by height or depth, the height or depth of the interest is clearly shown.

9. Searches

Note: See also provisions of the *Real Property Act 1900* and the *Real Property Regulation 2019* as well as the *Conveyancing Act 1919* and the *Conveyancing (General) Regulation 2018*.

9.1 Official searches under Part 11A of the Real Property Act 1900

A request under Part 11A of the RPA must:

- (a) be limited to parcels of land held by one proprietor or jointly held by 2 or more proprietors, and
- (b) be lodged personally, by post or by other means approved by the Registrar-General.

9.2 Official searches under section 197 of the Conveyancing Act 1919

9.2.1 A request under section 197 of the CA for a search of old system title land, or a request for an office copy of a certificate of the result of such a search, must be made in the approved form.

9.2.2 A request is to be limited to a single chain of title.

- 9.2.3 The prescribed fee as determined by Schedule 1 of the *Conveyancing (General) Regulation 2018* must, if required by the Registrar-General, be paid before delivery of the office copy of a certificate of the result of a search.
- 9.2.4 If a request is withdrawn after commencement but before completion of a search, such fees as the Registrar-General determines (having regard to the work done up to the time of withdrawal) must be paid.
- 9.2.5 The Registrar-General may require an interim payment of fees before completion of a search.

9.3 Public searches for the purposes of section 199 of the Conveyancing Act 1919

For the purposes of section 199 of the CA:

- (a) the prescribed times at which information in the registers is to be made available are:
- (i) in the case of information in the registers provided in printed form – 8.30 am to 4.30 pm New South Wales Standard Time each day (other than a Saturday, Sunday or public holiday) or, where the function of responding to a search request is exercised by the authorised operator, the ordinary business hours of the authorised operator, or
 - (ii) in the case of information in the registers provided in electronic form – between the hours of 1.00 am and midnight New South Wales Standard Time each day (subject to scheduled maintenance or unavoidable system interruptions), and
- (b) the information is to be made available (in response to a request for the dispatch of information by post or other approved means) by the Registrar-General furnishing a copy of the information, and
- (c) the prescribed fee for making the information available is the fee as determined by Schedule 1 of the *Conveyancing (General) Regulation 2018*.

10. Lodgment requirements for the Dealing with Exception form

Note: See also provisions of the *Real Property Act 1900* and the *Real Property Regulation 2019*.

- 10.1 The Dealing with Exception form must satisfy an exception published on the Registrar General's website from time to time, and be accompanied by a properly completed Lodgment Rules exception form, unless otherwise approved by NSW LRS.
- 10.2 NSW LRS may approve a Dealing with Exception form, or any accompanying documents, to be lodged otherwise than in accordance with Rule 10.1.
- 10.3 Schedule 16 sets out the requirements for the lodgment of the Dealing with Exception form.

Note: The Registrar General will provide a 20-business day notice period before any amendment to the exceptions are published on its website.

11. Requirements for making alterations to dealings, caveats and instruments lodged in electronic form in the Torrens Register

Note: See also provisions of the *Real Property Act 1900* and the *Real Property Regulation 2019*.

The requirements for making an alteration to a dealing, caveat and/or instrument lodged electronically are set out in Schedule 17.

Schedule 1– Requirements for instruments registered in the General Register of Deeds

(Rules 4.5 and 4.6)

1 Text

The text must be clearly printed or written:

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

2 Margins

The sheets used must have clear margins:

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

3 Paper

The paper used must be:

- (a) white or off white and free from discolouration and blemishes, and
- (b) of archival quality, and
- (c) 297 millimetres in length by 210 millimetres in width (standard A4), or such other sized paper as may be approved by the Registrar-General.

4 Lettering

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

5 Name and address

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

6 Content must not extend into margin

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

7 Content must not extend into any seal

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

8 Information to be included on registration copy

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

9 Alterations

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

10 Verification of alterations

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

11 No creases

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

12 Registration copy must be true copy

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

13 Part lots

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

14 Plans or diagrams

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

Schedule 2 – Requirements for dealings, caveats and instruments lodged in paper form in the Torrens Register

(Rule 5)

- 1** The text must be clearly printed or written across the width of each sheet of paper used.
- 2** Unless the Registrar-General otherwise approves, all text must be in the English language.
- 3** The text must be printed or written on only one side of each sheet.
- 4** The sheets used must have clear margins:
 - (a) on the first sheet—of not less than 25mm at the top and 10mm on each side and at the bottom, and
 - (b) on each subsequent sheet—of not less than 10mm on each side and at the top and bottom.
- 5** The paper used must be:
 - (a) white or off white and free from discolouration, blemishes and creases, and
 - (b) of archival quality, and
 - (c) 297 millimetres in length by 210 millimetres in width (standard A4), or such other sized paper as may be approved by the Registrar General.
- 6**
 - (1) Unless the Registrar-General otherwise approves, all letters, numbers and other symbols appearing in text must be in a font style that is:
 - (a) at least 10 point (1.8mm) in size, and
 - (b) dense black or dense dark blue in colour, and
 - (c) open in formation and construction, and
 - (d) in an upright style.
 - (2) The lines must not overlap. A carbon copy, or a copy in which the typewritten characters blur or spread, or are liable to mark or damage an adjacent sheet, will not be accepted.
 - (3) Handwriting and any imprint of a seal must be clear and legible and in dense black or dense dark blue ink.
 - (4) All symbols used must be letters unless:
 - (a) the Registrar General otherwise approves, or
 - (b) this Schedule otherwise provides

- 7** All typewriting, printing, handwriting and any imprint of a seal must be to a standard that will enable it to be clearly reproduced by the imaging processes employed by the Registrar General.
- 8** Typewriting, printing, writing or seals must not extend into the margin.
- 9** Typewriting, printing, writing or signatures must not extend into any seal.
- 10**
 - (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 noting alterations by interlineation or the striking through of matter must be placed in the margin as near as practicable to the alteration.
 - (3) In addition, the name of the person noting the alteration must be printed in cases where:
 - (a) the person initials an alteration, or
 - (b) the person notes an alteration by signature but the person's name cannot be clearly ascertained.
 - (4) The date of the alteration must be included.
- 11** The pages of an annexure to a dealing must be numbered sequentially in the centre of the foot of each page as "Page ... of ... pages" and the annexure:
 - (a) must be identified (on the annexure itself) as an annexure to the dealing, and
 - (b) must be signed, on the first and last pages, by the parties to the dealing (or, if a party is a body corporate, by a person who has attested the affixing of the seal of the body corporate or who has otherwise signed on its behalf), and
 - (c) must be referred to in the body of the dealing.
- 12** An additional or inserted sheet intended to form part of a dealing:
 - (a) must be attached to the dealing in a manner acceptable to the Registrar General, and
 - (b) if it contains matter that would normally be inserted in a form approved by the Registrar General—must be signed by the parties to the dealing (or, if a party is a body corporate, signed by a person who has attested the affixing of the seal of the body corporate or who has otherwise signed on its behalf).
- 13** If, apart from any matter contained in an additional or inserted sheet, it is not readily apparent from the body of a dealing that the additional or inserted matter is intended to form part of the dealing:
 - (a) a note referring to the additional or inserted matter (or covenants by number where appropriate) must be added to the body of the dealing, and
 - (b) a note identifying the additional or inserted matter must be added to the additional or inserted sheet containing that matter.
- 14** Dimensions referred to in a dealing:
 - (a) in the case of dimensions of length, must be expressed in metres and not in any other unit of measurement of length (whether or not related to the metre), and

- (b) in the case of dimensions of area, must be expressed in square metres, hectares or square kilometres and not in any other unit of measurement of area (whether or not related to the square metre, hectare or square kilometre).
- 15** Annexures, additional sheets or inserted sheets may be prepared by means of a photographic or similar process approved by the Registrar-General and, if so prepared:
- (a) must comply with items 1–14, and
 - (b) must contain only printing that is permanent and legible with a dense black image free from excessive background, and
 - (c) must be so prepared that the process does not affect the quality of the paper, and
 - (d) must not include photographs, except with the consent of the Registrar-General, and
 - (e) must be authenticated by original signatures.

Schedule 3 – Requirements for plans annexed to dealings (other than leases of premises) or caveats

(Rule 6.1)

1. A plan must identify the land to which it relates.
2. A plan must be drawn in a manner and to a scale that allows all details and notations to be clearly reproduced by the imaging processes used by the Registrar-General.
3. A plan must contain the following particulars:
 - (a) a statement on each sheet of the reduction ratio at which the plan is drawn,
 - (b) the north point (which must be directed upwards) and the meridian to which it relates,
 - (c) complete dimensions (including area) of every parcel comprised in the plan,
 - (d) sufficient information to define any proposed easement, or any proposed variation of an existing easement, and its relationship to the boundaries of any affected parcel,
 - (e) if prepared by a registered land surveyor within the meaning of the *Surveying and Spatial Information Act 2002*, the signature of the surveyor,
 - (f) the date of preparation of the plan,
 - (g) the signature of each person who has signed the dealing or caveat to which the plan is annexed.
4. The description of the part of the land shown in the plan must agree with the description of that part shown in the dealing or caveat.
5. The lengths shown on a plan must be expressed in metres and not in any other unit of measurement of length (whether or not related to the metre), without the use of any symbol or abbreviation to represent the metre as the unit of measurement employed.
6. Area measurements shown on a plan must be expressed in the following units of measurement:
 - (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 but less than 10,000 hectares 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".
7. Unless the Registrar-General otherwise approves, all words, letters, figures and symbols appearing on a plan:
 - (a) must be shown in capital letters (except as provided by item 6), and
 - (b) must be open in formation and construction, and
 - (c) must be drawn in an upright style, and
 - (d) must be in the English language.

8.
 - (1) A plan may be altered only by, or with the authority of, the person who prepared the plan by striking through the matter to be altered.
 - (2) In particular, a plan may not be altered by the use of correction fluid or by rubbing, scraping or cutting the surface of the sheet on which the plan is drawn.
 - (3) The Registrar-General may require a sheet on which a plan is drawn to be replaced if, in the opinion of the Registrar-General any alteration on the sheet will render it unsuitable for imaging.
 - (4) Signatures or initials noting alterations by interlineation or the striking through of matter must be placed as near as practicable to the alteration by the person who prepared the plan and made the alteration.
 - (5) In addition, the name of the person noting the alteration must be printed in cases where:
 - (a) the person initials an alteration, or
 - (b) the person notes an alteration by signature but the person's name cannot be clearly ascertained.
 - (6) The date of the alteration must be included.
9. If lodged as an annexure, a plan must be neatly and clearly drawn without colour or edging.
10. Each plan sheet must consist of white or off-white paper of an archival quality, or some other medium approved by the Registrar-General.
11. A plan must be drawn on only one side of a plan sheet and must be drawn on a matt surface.
12. Each plan sheet must be free from discolouration, blemishes and creases.
13. Each plan sheet must be 297mm in length by 210mm in width (standard A4) and have clear margins of at least 10mm on each side and at the top and bottom.
14. If a plan is endorsed on a dealing or caveat, it must be drawn in such a manner that the lines and notation of the plan do not obscure or interfere with any writing or printing on the dealing or caveat.
15. Where the original plan is not available, an annexed plan may be a reproduction prepared by means of a photographic or similar process approved by the Registrar-General and, if so prepared:
 - (a) must comply with items 1–14, and
 - (b) must contain only printing that is permanent and legible with a dense black image free from excessive background, and
 - (c) must be so prepared that the process does not affect the quality of the paper, and
 - (d) must be authenticated by original signatures.

- 16** Plans annexed to dealings must be compiled plans and not plans of survey except with the consent of the Registrar-General.
- 17** A registered plan must not be annexed to a dealing or caveat.

Schedule 4 – Requirements for plans annexed to leases of premises

(Rule 6.2)

- 1 For the purposes of this Schedule, **premises** means a building or part of a building, unless the Registrar-General approves otherwise.
- 2 A plan must identify the premises to which it relates.
- 3 Premises that comprise the whole of a building may be defined by measurements in a plan.
- 4 Premises that comprise part of a building may be identified in a plan by showing the outer walls of the building and defining the leased area by reference to:
 - (a) internal walls and fixtures, or
 - (b) dimensions.
- 5 The description of any premises shown in a plan must agree with the description of those premises shown in the lease.
- 6 A plan must be drawn in a manner and to a scale that allows all details and notations to be clearly reproduced by the imaging processes used by the Registrar-General.
- 7 A plan must be neatly and clearly drawn without colour or edging.
- 8 A plan must contain the following particulars:
 - (a) the north point (which must be directed upwards),
 - (b) if the Registrar-General so requires, dimensional connections of the leased premises to the title boundaries,
 - (c) a statement as to the floor level on which the premises are located, where appropriate,
 - (d) sufficient information to define any proposed easement and its relationship to the boundaries of the affected parcel,
 - (e) the signature of each person who has signed the lease to which the plan is annexed.
- 9 The lengths shown on a plan must be expressed in metres and not in any other unit of measurement of length (whether or not related to the metre), without the use of any symbol or abbreviation to represent the metre as the unit of measurement employed.
- 10 Area measurements shown on a plan must be expressed in square metres accompanied by the symbol “m²”.
- 11 Unless the Registrar-General otherwise approves, all words, letters, figures and symbols appearing on a plan:
 - (a) must be shown in capital letters (except as provided by item 10), and
 - (b) must be open in formation and construction, and
 - (c) must be drawn in an upright style, and
 - (d) must be in the English language.

12

- (1) A plan may be altered only by, or with the authority of, the person who prepared the plan by striking through the matter to be altered.
- (2) In particular, a plan may not be altered by the use of correction fluid or by rubbing, scraping or cutting the surface of the sheet on which the plan is drawn.
- (3) The Registrar-General may require a sheet on which a plan is drawn to be replaced if, in the opinion of the Registrar-General, any alteration on the sheet will render it unsuitable for imaging.
- (4) Signatures or initials noting alterations by interlineation or the striking through of matter must be placed as near as practicable to the alteration by the person who prepared the plan and made the alteration.
- (5) In addition, the name of the person noting the alteration must be printed in cases where:
 - (a) the person initials an alteration, or
 - (b) the person notes an alteration by signature but the person's name cannot be clearly ascertained.
- (6) The date of the alteration must be included.

13 Each plan sheet must consist of white or off-white paper of an archival quality, or some other medium approved by the Registrar-General.

14 A plan must be drawn on only one side of a plan sheet and must be drawn on a matt surface.

15 Each plan sheet must be free from discolouration, blemishes and creases.

16 Each plan sheet must be 297mm in length by 210mm in width (standard A4) and have clear margins of at least 10mm on each side and at the top and bottom.

17 Where the original plan is not available, an annexed plan may be a reproduction prepared by means of a photographic or similar process approved by the Registrar-General and, if so prepared:

- (a) must comply with items 1–16, and
- (b) must contain only printing that is permanent and legible with a dense black image free from excessive background, and
- (c) must be so prepared that the process does not affect the quality of the paper, and
- (d) must be authenticated by original signatures.

18 Plans annexed to leases must be compiled plans and not plans of survey except with the consent of the Registrar-General.

19 A registered plan must not be annexed to a lease.

Schedule 5 – Requirements for deposited plans lodged electronically

(Rule 7.1.1)

1 File type in which plan to be created

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

2 Use of approved forms

- (1) A plan intended to be lodged electronically for registration as a deposited plan must be in the approved form.
- (2) Any land that cannot satisfactorily be shown on one sheet may be shown on additional sheets in the approved form.

3 Numbering

Each plan sheet must be numbered consecutively.

4 Margins

- (1) A margin of at least 10 millimetres must be left around the plan drawing area of each plan sheet.
- (2) No printing, writing or other notation (other than directions or notations authorised by the Registrar-General) must appear in, or extend into, the margin.

5 Lettering

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

6 Use of colouring and edging prohibited

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

7 Clarity of detail

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

8 Alterations

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

9 Information to be included on plan sheets

- (1) Each plan sheet in a series of plan sheets must be numbered consecutively as part of the series (for example, the first and second sheets in a plan that is made up of 4 sheets must be numbered "Sheet 1 of 4 sheets" and "Sheet 2 of 4 sheets", respectively).
- (2) Each plan sheet must contain a north point (directed towards the top of the plan sheet) and must also specify the orientation to which the north point relates.
- (3) Any separate diagrams or tabulations of dimensions or marks used in an additional sheet must be shown on the sheet.
- (4) No information (other than the plan and any separate diagrams and tabulations of dimensions and marks relating to the plan) is to appear within the plan drawing area of a plan sheet.

10 Linear dimensions

- (1) Linear measurements must be expressed in metres, correct to 3 decimal places, without any accompanying symbol.
- (2) If a length of less than one metre is shown, the decimal point must be preceded by the numeral "0".

11 Area dimensions

- (1) Area measurements must be expressed as follows:
 - (a) areas of less than one hectare must be expressed in square metres, accompanied by the symbol "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.

12 Reduction ratio

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

13 Identification of adjoining land

The identity of all adjoining land must be shown.

14 Identification of new or proposed affecting interests

- (1) A plan must contain sufficient information to define the site of:
 - (a) any affecting interest that is intended to be created as a consequence of the registration of the plan, and
 - (b) any easement or profit à prendre intended to be partially released as a consequence of the registration of the plan, and
 - (c) any proposed affecting interest, or proposed variation or partial release of an easement or profit à prendre,

and where necessary, must also contain sufficient information to indicate the relationship of any such affecting interest to the boundaries of any affected parcel or lot.

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

15 Identification of existing affecting interests

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

16 Signatures not to appear

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

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

Schedule 6 – Requirements for lodging other documents electronically with deposited plans

(Rule 7.1.2)

1 File type in which image of document to be created

If a document is required to be lodged electronically with a plan, each sheet of the completed paper document that bears original signatures and seals must be scanned by the lodging party and an image created in a format approved by the Registrar-General.

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) sealed copies of court orders,
 - (b) the original documents that clause 14 of the *Conveyancing (General) Regulation 2018* 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 CA.

2 Multiple sheets

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

3 Standard of electronic file

The standard of the electronic file received by the Registrar-General must be acceptable to the Registrar-General.

Note. The completed paper document, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 34 of the *Conveyancing (General) Regulation 2018*).

Schedule 7– Requirements for deposited plans lodged by hand

(Rule 7.1.3)

1 Material on which plan to be drawn

- (1) Each plan sheet must consist of white or off-white paper of an archival quality.
- (2) A plan must be drawn on one side of a plan sheet only.
- (3) Each plan sheet must be free from discolouration, blemishes and creases.

2 Use of approved forms

- (1) A plan intended to be lodged by hand for registration as a deposited plan must be in the approved form.
- (2) Any land that cannot satisfactorily be shown on one sheet may be shown on additional sheets in the approved form.

3 Numbering

Each plan sheet must be numbered consecutively.

4 Margins

- (1) A margin of at least 10 millimetres must be left around the plan drawing area of each plan sheet.
- (2) No printing, writing or other notation (other than directions or notations authorised by the Registrar-General) must appear in, or extend into, the margin.

5 Lettering

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

6 Use of colouring and edging prohibited

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

7 Clarity of detail

The plan must be drawn in a manner and to a scale that allows all details and notations to be clearly reproduced by the copying processes used by the Registrar-General.

8 Alterations

- (1) A plan may be altered only by striking through the matter to be altered.
- (2) In particular, a plan may not be altered by the use of correction fluid or by rubbing, scraping or cutting the surface of the plan sheet.
- (3) The Registrar-General may require a plan sheet to be replaced if, in the opinion of the Registrar-General, any alteration on the sheet will render it unsuitable for copying.

9 Information to be included on plan sheets

- (1) Each plan sheet in a series of plan sheets must be numbered consecutively as part of the series (for example, the first and second sheets in a plan that is made up of 4 sheets must be numbered "Sheet 1 of 4 sheets" and "Sheet 2 of 4 sheets", respectively).
- (2) Each plan sheet must contain a north point (directed towards the top of the plan sheet) and must also specify the orientation to which the north point relates.
- (3) Any separate diagrams or tabulations of dimensions or marks used in an additional sheet must be shown on the sheet.
- (4) No information (other than the plan and any separate diagrams and tabulations of dimensions and marks relating to the plan) is to appear within the plan drawing area of a plan sheet.

10 Linear dimensions

- (1) Linear measurements must be expressed in metres, correct to 3 decimal places, without any accompanying symbol.
- (2) If a length of less than one metre is shown, the decimal point must be preceded by the numeral "0".

11 Area dimensions

- (1) Area measurements must be expressed as follows:
 - (a) areas of less than one hectare must be expressed in square metres, accompanied by the symbol "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.

12 Reduction ratio

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

13 Identification of adjoining lands

The identities of all adjoining lands must be shown.

14 Identification of new or proposed affecting interest

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

- (a) any affecting interest that is intended to be created as a consequence of the registration of the plan, and
- (b) any easement or profit à prendre intended to be partially released as a consequence of the registration of the plan, and
- (c) any proposed affecting interest, or proposed variation or partial release of an easement or profit à prendre,

and where necessary, must also contain sufficient information to indicate the relationship of any such affecting interest to the boundaries of any affected parcel or lot.

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

15 Identification of existing affecting interests

(1) A plan must:

- (a) contain sufficient information to define the site, nature and origin of any existing affecting interest affecting a parcel, and
- (b) wherever possible, show the relationship of the affecting interest to the boundaries of the parcel.

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

(3) In this clause, **origin**, in relation to an existing affecting interest means the Gazette reference or registration number of the instrument or plan by which the affecting interest was granted, reserved, notified or otherwise created.

16 Signatures not to appear

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

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

Schedule 8 – Requirements for administration sheet lodged with deposited plans

(Rule 7.6)

1 Use of approved form

Any signatures, seals or certificates that cannot satisfactorily be shown on one sheet may be shown on one or more additional sheets in the approved form. The total number of additional sheets must not be more than 5 unless the Registrar-General otherwise approves.

Note. An administration sheet is required by section 195A of the CA to be in the approved form. The completed administration sheet must be lodged with and in the same manner as the plan. This Schedule prescribes additional requirements.

2 Paper

The paper used must be:

- (a) white or off white and free from discolouration, blemishes and creases, and
- (b) of archival quality, and
- (c) 297 millimetres in length by 210 millimetres in width (standard A4), or such other sized paper as may be approved by the Registrar-General.

3 Margins

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

4 Lettering

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

5 Alterations

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

6 Verification of alterations

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

7 Information to be included on multiple sheets

If the administration sheet comprises more than one sheet:

- (a) each sheet other than the first sheet must repeat:
 - (i) the heading on the first sheet, and
 - (ii) if the administration sheet relates to a plan of subdivision—the subdivision certificate number and date of endorsement, and
 - (iii) the surveyor's reference, and
- (b) each sheet must be numbered:
 - (i) sequentially in the top right hand corner of each sheet as "Sheet of sheets", and
 - (ii) separately from the drawing sheets.

Schedule 9 – Requirements for section 88B instruments

(Rule 7.9)

1 Text

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

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

2 Margins

(1) The sheets used must have clear margins:

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

(2) No printing, writing or other notation (other than directions or notations authorised by the Registrar-General) must appear in, or extend into, the margin.

3. Paper

The paper used must be:

- (a) white or off white and free from discolouration, blemishes and creases, and
- (b) of archival quality, and
- (c) 297 millimetres in length by 210 millimetres in width (standard A4), or such other sized paper as may be approved by the Registrar-General.

4 Size of lettering

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

5 Legibility

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

6 Alterations

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

7 Verification of alterations

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

8 Signatures

The final sheet must bear:

- (a) in any case—the attested original signatures of the persons who appear to the Registrar-General to be the owners, mortgagees, or covenant chargees of the land over which the easement, or in respect of which the restriction on the use of land, covenant or profit à prendre, is intended to be created, and
- (b) in the case of the creation of an easement referred to in section 88A of the CA—the attested original signature of the prescribed authority in whose favour the easement is to be created, and
- (c) in the case of the creation of a restriction on the use of land, or a positive covenant, that is of a type that may be imposed under section 88BA, 88D or 88E of the CA—the attested original signature of any prescribed authority in whose favour the restriction or positive covenant is to be created, and
- (d) in the case of the creation of a covenant intended to impose an obligation (however described) on a prescribed authority, or the owner of land that is not shown on the plan, to maintain or repair, or to contribute to the maintenance or repair of, the site of an easement—the attested original signature of the prescribed authority or owner, and
- (e) in the case of the release or partial release of an easement or profit à prendre:
 - (i) the attested original signatures of the persons who appear to the Registrar-General to be the owners, mortgagees or covenant chargees of the land that has the benefit of the easement or profit à prendre, and
 - (ii) the attested original signature of any person whose consent is required to the release or partial release, and
- (f) in any case—the capacity in which each signatory has signed.

9 Numbering of sheets

If the instrument comprises more than one sheet:

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

10 References to signatures

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

Schedule 10 – Requirements for lodging strata plans

(Rule 8.1)

1 Plan sheets for plans lodged by hand

Each plan sheet for a plan lodged by hand must:

- (a) be white or off white paper of an archival quality, and
- (b) be free from discolouration, blemishes and creases, and
- (c) have a plan drawn on one side of the sheet only.

2 File type for plans lodged electronically

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

3 Margins

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

- (1) All words must be in the English language, and all letters, figures and symbols appearing on a plan must be in a font style that is:
 - (a) dense and black in colour, and
 - (b) in upper case only (except as otherwise provided by this Schedule), and
 - (c) open in formation and construction, and
 - (d) in an upright style.
- (2) Symbols may not be used except for the purposes of punctuation.
- (3) The Registrar-General may approve departures from this clause.

5 Use of colouring and edging prohibited

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

6 Clarity of detail

The plan must be drawn in a manner and to a scale that allows all details and notations to be clearly reproduced by the copying processes used by the Registrar-General.

7 Alterations made to plans before registration

- (1) A plan that was lodged by hand may be altered only by, or with the authority of, the surveyor who prepared it and each alteration must be authenticated by signing and dating the plan or administration sheet as appropriate.
- (2) An alteration to a plan that was lodged by hand is to be made by addition to, or striking through, the matter to be altered. However, the Registrar-General may require a plan sheet to be replaced if, in the opinion of the Registrar-General, any alteration on the sheet will render it unsuitable for copying.

- (3) An alteration to a plan that was lodged electronically is to be made by creating a new version of the electronic plan file and not by altering the version that was lodged.
- (4) If an alteration to a plan affects a lot boundary or the area of a lot, authentication of the plan is required following the alteration by a duly authorised officer of a local council or an accredited certifier signing and dating the strata certificate and, if the plan was lodged by hand, also signing and dating a copy of the altered plan (which is to be provided to the Registrar-General).
- (5) The Registrar-General may require that a qualified valuer certify that the schedule of unit entitlement accurately reflects a plan following an alteration by signing and dating the valuer's certificate.
- (6) The Registrar-General may require the registered proprietor or any other person to authenticate a plan following an alteration by signing and dating the administration sheet.

8 Information to be included on plan sheets

- (1) Each plan sheet in a series of plan sheets must be numbered consecutively in whole numbers starting from sheet 1 and show the total number of sheets in the series.
Example. Sheet 1 of 5 sheets.
- (2) Each sheet of a location plan or floor plan must contain a north point that is directed towards the top of the sheet.
- (3) No information (other than the plan and any separate diagrams and tabulations of dimensions relating to the plan) is to appear within the plan drawing area of a plan sheet unless otherwise authorised by this Schedule.

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 1 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 1 hectare must be expressed in square metres, accompanied by the symbol "m²",
 - (b) areas of 1 hectare or more must be expressed in hectares (using not more than 4 significant figures), accompanied by the symbol "ha".
- (2) A statement may be added to the plan stating that all areas are approximate.
- (3) The total area of a lot:
 - (a) must be shown within or relevant to the most significant part of the lot, and
 - (b) must be the exact mathematical total of the areas shown elsewhere in the plan within or relevant to the component parts of that lot.

11 Bearings and angles

- (1) Bearings must not be shown on any plan sheet unless they form part of permitted survey information.

- (2) Angular relationships must be established by linear dimensions and rectangular offsets only, and not by use of angular dimensions, except in the case of an angular dimension of 90°, which must be shown as such.

12 Signatures not to appear

The plan drawing sheets are not to show any signatures or seals unless otherwise authorised or required by this Regulation.

Note. Generally, signatures and seals must be shown on the administration sheet.

Schedule 11 – Location plans

(Rule 8.1.1)

- 1 A location plan must be in the approved form.
- 2 A location plan for the whole of a building must show the following:
 - (a) the parcel boundaries and the lengths of those boundaries,
 - (b) the external limits of the building,
 - (c) the external limits of any structural feature used in the plan to define lots,
 - (d) the external limits of any lots or parts of lots that are within the parcel but not within the building (**external lots**),
 - (e) if any encroachment exists, sufficient information to indicate the nature and extent of the encroachment.
- 3 A location plan for part of a building must show the following (using such elevations, sections, levels and planes as the Registrar-General considers to be necessary):
 - (a) the boundaries of the land occupied by the building and the lengths of those boundaries,
 - (b) the external limits of the building,
 - (c) the external limits of the part of the building to which the plan applies,
 - (d) the parcel boundaries to the extent necessary to show the location of the following:
 - (i) the part of the building to which the plan applies,
 - (ii) any structural feature used in the plan to define lots,
 - (iii) any external lots,
 - (e) if any encroachment exists, sufficient information to indicate the nature and extent of the encroachment.
- 4 A location plan must also show the following:
 - (a) the identity of any land that adjoins the parcel,
 - (b) the street number of the building,
 - (c) the number of floors or levels in the building,
 - (d) the material from which the external walls of the building are constructed,
 - (e) if the building is within 2 metres of a parcel boundary (but is not on the boundary), connections that accurately show the relationship of the boundary to the building,
 - (f) if an external lot is within 2 metres of a parcel boundary (but is not on the boundary), connections that accurately show the relationship of the boundary to the structural feature used to define the external lot. These connections should correspond to those used on the floor plan that defines the lots.

- 5** All connections shown on a location plan must be referred to a stated surface of a floor, wall, ceiling or structural feature.
- 6** There must be a statement on each sheet of a location plan of the reduction ratio at which the plan is drawn.
- 7** If an affecting interest affects a parcel, the location plan must:
 - (a) contain sufficient information to define the site and nature of the affecting interest, and
 - (b) contain the registration number of the instrument or plan, or the Gazette reference, by which the interest was granted, reserved, notified or otherwise created, and
 - (c) wherever possible, show the relationship of the affecting interest to the boundaries of the parcel.
- 8** If an existing or proposed 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 location plan the approximate position of the easement.
- 9** A location plan must contain sufficient information:
 - (a) to define the site of any affecting interest that is intended to be created (whether as a consequence of the registration of the plan or otherwise) and that affects common property, other than common property within a building, and
 - (b) to indicate, where necessary, the relationship of the affecting interest to the boundaries of any affected parcel or lot.

Schedule 12 – Floor plans

(Rule 8.1.2)

- 1 A floor plan must be in the approved form.
- 2 A floor plan must be on a separate sheet to the location plan.
- 3 A floor plan must:
 - (a) show the boundaries of each lot and each part of a lot, and
 - (b) show the area of each lot and each part of a lot, and
 - (c) include a lot number for each lot and, if a lot has separate parts, clearly identify each of those parts, and
 - (d) show boundaries defined by walls or other structural features (**structural boundaries**) by the use of thick lines, and
 - (e) show other boundaries (**line boundaries**) by the use of thin lines and include sufficient connections from walls or other structural features to accurately show the location of those line boundaries, and
 - (f) if an upper or lower boundary of a lot or part of a lot is not limited by a structural feature—include statements sufficient to accurately indicate the location of that boundary, and
 - (g) include notations to clearly identify any encroachment that is designated for use with a lot, and
 - (h) show all structures on a lot (other than a dividing fence within the meaning of the *Dividing Fences Act 1991*) that are outside a building and within 1 metre of the boundary of the lot and include notations to clearly identify whether each such structure is common property or part of the lot.
- 4 A floor plan must show the lowest level to the highest level unless the Registrar-General has previously given approval for the levels to be shown in a different manner.
- 5 A floor plan must not show the relationship of lot boundaries to parcel boundaries, except to the extent necessary to show any encroachments.
- 6 There must be a statement on each sheet of a floor plan of the reduction ratio at which the plan is drawn.
- 7 A floor plan may show sufficient information to define the site of an existing easement that is located within a building if the Registrar-General agrees that the enjoyment of the easement would be reliant on its position being shown in such a manner.
- 8 A floor plan must contain sufficient information to define the site of:
 - (a) any affecting interest intended to be created as a consequence of the registration of the plan that affects a lot in the plan or common property within a building, and
 - (b) any proposed easement over a lot in the plan or common property within a building.
- 9 If a proposed 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 a floor plan the approximate position of the easement.

Schedule 13 – Requirements for administration sheet lodged with strata plans

(Rule 8.2)

Note. An administration sheet must be in the approved form (see the definition of *administration sheet* in section 4(1) of the SSDA). All signatures and seals must be shown on the administration sheet. No signatures or seals are to appear on the plan drawing sheets. The completed administration sheet forms part of the plan and must be lodged with and in the same manner as the plan.

1 Use of approved form

- (1) An administration sheet must be in an 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 an approved form.

2 Paper

The paper used must be:

- (a) white or off white and free from discolouration, blemishes and creases, and
- (b) of archival quality, and
- (c) 297 millimetres in length by 210 millimetres in width (standard A4), or such other sized paper as may be approved by the Registrar-General.

3 Clarity

- (1) Text must be clearly printed or written:
 - (a) across the width of each panel on the sheet of paper used, and
 - (b) on one side only of each sheet.
- (2) Text or seals (other than directions or notations authorised by the Registrar-General) must not extend into a margin.

4 Alterations

- (1) Alterations must be made by adding to or striking through the matter intended to be altered.
- (2) Alterations must be authenticated by signing and dating as near as practicable to the alteration.

5 Information to be included on multiple sheets

If the administration sheet comprises more than one sheet, each sheet must be numbered consecutively in whole numbers starting from sheet 1 and show the total number of sheets.

Example. Sheet 1 of 5 sheets.

Schedule 14 – Requirements for lodging administration sheet and other documents electronically with strata plans

(Rules 8.2.2 and 8.4)

1 Application of Schedule

This Schedule applies to the following documents when required to be lodged electronically with a strata plan:

- (a) an administration sheet,
- (b) a strata development contract,
- (c) a strata management statement,
- (d) by-laws,
- (e) an instrument pursuant to section 88B of the CA,
- (f) any other documents required by the Registrar-General.

2 Creation of electronic file

- (1) The completed paper document is to be scanned and an electronic file created in a format approved by the Registrar-General.
- (2) A document comprising more than 1 sheet must be created as a multipage file.

3 Lodging procedure

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

Note. The completed paper document must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 25 of the *Strata Schemes Development Regulation 2016*)

Schedule 15 – Lodgment requirements for Miscellaneous Dealing form

(Rule 5)

1 Preparation of instrument, dealing or caveat

- (1) The dealing or caveat referred to in Rule 5.1.1 must comply with Schedules 2, 3 and 4 as applicable.
- (2) The instrument referred to in Rule 5.1.2 must comply with Rule 4.

2 Creation of electronic file

- (1) The properly completed instrument, dealing or caveat must be an electronic file created in a format approved by the Registrar-General.
- (2) A document comprising more than 1 sheet must be created as a multipage file.

3 Lodging procedure

- (1) The electronic file must be lodged together with the:
 - (a) Miscellaneous Dealing form available in the ELN; and
 - (b) Unless otherwise approved by NSW LRS, the Lodgment Rules exception form, which must indicate which reason has been selected for the lodgment of this form.

Note. The completed document(s) must be retained by the lodging party for a period of at least 7 years following the date of registration of the dealing (see Rule 6.6 of the NSW Participation Rules).

Schedule 16 – Lodgment requirements for Dealing with Exception dealing form

(Rule 10)

1 Preparation of dealing or caveat

- (1) The dealing or caveat referred to in Rule 10.1 must comply with Schedules 2, 3 and 4 as applicable.

2 Creation of electronic file

- (1) The properly completed dealing or caveat must be an electronic file created in a format approved by the Registrar-General.
- (2) A document comprising more than 1 sheet must be created as a multipage file.

3 Lodging procedure

- (1) The electronic file must be lodged together with the:
 - (a) Dealing with Exception dealing form available in the ELN; and
 - (b) Unless otherwise approved by NSW LRS, the Lodgment Rules exception form, which must indicate which reason has been selected for lodgment of this form.

Note. The completed document(s) must be retained by the lodging party for a period of at least 7 years following the date of registration of the dealing (see Rule 6.6 of the NSW Participation Rules).

Schedule 17 - Requirements for making alterations to dealings, caveats and instruments lodged in electronic form in the Torrens Register.

(Rule 11)

1 Lodgment procedure

- (1) The standard of the electronic file received by the Registrar-General must be acceptable to the Registrar-General.
- (2) The document must be submitted through the channel approved by the Registrar-General, together with all required attachments.

Note. The completed document(s) and all evidence must be retained by the lodging party for a period of at least 7 years following the date of registration of the dealing (see Rule 6.6 of NSW Participation Rules)

2 Making alterations to electronic dealings procedure

- (1) A Dealing, caveat or instrument that requires a minor alteration after a requisition has been received will be required to be altered and re-submitted.
- (2) 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.
- (3) Signatures or initials noting alterations by interlineation or the striking through of matter must be placed in the margin as near as practicable to the alteration.
- (4) In addition, the name of the person noting the alteration must be printed in cases where:
 - (a) the person initials an alteration, or
 - (b) the person notes an alteration by signature, but the person's name cannot be clearly ascertained.
- (5) The date of the alteration must be included.



Anti-Discrimination Act 1977

EXEMPTION ORDER

Under the provisions of section 126 of the *Anti-Discrimination Act 1977* (NSW), an exemption is given from sections 8 and 51 of the *Anti-Discrimination Act 1977* (NSW) to Colin Biggers & Paisley Pty Limited in order to advertise, designate and recruit 5 cadets per year for its 'Indigenous Cadetship program' for Aboriginal and Torres Strait Islander persons only.

This exemption will remain in force for 5 years.

Dated this 1 day of September 2021

A handwritten signature in black ink, appearing to read "Jackie Lyne", is positioned above the printed name.

Jackie Lyne
Manager, Governance & Advice
Delegate of the President
Anti-Discrimination NSW



Anti-Discrimination Act 1977

EXEMPTION ORDER

Under the provisions of section 126 of the *Anti-Discrimination Act 1977* (NSW), an exemption is given from sections 8 and 51 of the *Anti-Discrimination Act 1977* (NSW) to Anglicare NSW South, NSW West and ACT in order to advertise, designate and recruit for 21 positions for Aboriginal and Torres Strait Islander persons only in in pursuance of its goal of a 7% Aboriginal and Torres Strait Islander workforce participation rate.

This exemption will remain in force for 10 years.

Dated this 7 day of September 2021

A handwritten signature in black ink, appearing to read "Jackie Lyne", is positioned above the printed name and title.

Jackie Lyne
Manager, Governance & Advice
Delegate of the President
Anti-Discrimination NSW



Customer
Service

Secretary's guidelines for retirement village asset management plans

Department of Customer Service

August 2021

These guidelines have been issued under section 189B (d) under the *Retirement Villages Act 1999* (the Act) and apply from the day in which the Regulation commences.

Rose Webb

Commissioner for Fair Trading

August 2021

Table of Contents

Glossary	3
1. Purpose of these guidelines	5
2. Asset management plan	6
What is an asset management plan? (clauses 26B and 26D(1) of the Regulation)	6
What do you need to do when preparing, updating, or revising the plan?	7
Who must have access to the asset management plan and the 3-year report? (sections 20, 112 of the Act, clause 12 of the Regulation)	10
Who pays the costs of preparing and reviewing the asset management plan?	11
3. Asset register	11
What items of capital you must include in the asset register? (clause 26F of the Regulation)	11
How are major items of capital defined? (clause 26A of the Regulation)	12
How do you estimate and record the expected life of major items of capital? (clause 26G of the Regulation)	14
What do you need to do with items of capital not in the plan?	15
4. Maintenance Schedule	15
Information you must include in the maintenance schedule (clause 26D(2) of the Regulation)	15
5. 3-year report	16
What information you must include in the 3-year report? (clause 19A of the Regulation)	16
How do asset management plans and the 3-year report fit into the existing annual budget process?	18
6. NSW Civil and Administrative Tribunal's role	19
7. Penalties and penalty notice offences	19
8. Rules of Conduct for Operators of Retirement Villages (Schedule 3A of the Regulation)	20
Appendix 1 - Retirement village asset management plan suggested template	21
Appendix 2 - Asset management planning framework	23
Appendix 3 – Items of Capital and Examples	24

Glossary

Act means the *Retirement Villages Act 1999*.

Accumulated maintenance costs mean the accumulated costs of maintenance as a percentage of the purchase price. The total costs of all maintenance or repairs should be divided by the purchase price and multiplied by 100.

Accumulated repair costs mean the accumulated costs of repairs as a percentage of the purchase price. The total costs of all repairs should be divided by the purchase price and multiplied by 100.

Asset management plan means the plan required by section 101A of the *Retirement Villages Act 1999*, being a 10-year plan, documenting how major capital items will be maintained, repaired, and replaced and who will pay for them.

Capital maintenance means works carried out for the purpose of repairing or maintaining an item of capital but does **not** include:

- a) work done to substantially improve an item of capital beyond its original conditions, or
- b) work done to maintain or repair an item of capital in circumstances where it would have been more cost effective to replace the item of capital.

Capital replacement means works carried out for the purpose of replacing an item of capital but does not include capital maintenance.

Capital Works Fund (CWF): means a fund established under section 99 of the *Retirement Villages Act 1999*.

Consumable means an item associated with the day-to-day running cost of a business. Consumable items are less expensive than items of capital and are used up more frequently.

Effective life means the period, expressed in years, that an item of capital can reasonably be used, having regard to —

- (a) the wear and tear a person could reasonably expect from the circumstances of its use, and
- (b) the maintenance for the item of capital that a person would reasonably expect, and
- (c) the period that it is reasonably foreseeable for an item of capital to be scrapped, dismantled, or discarded because it is no longer fit for purpose.

General services mean—services provided, or made available, by or on behalf of the operator, to all residents of a retirement village, and includes such services as may be prescribed by the regulations for the purposes of this definition. Examples of general services are management and administration services and gardening and general maintenance.

Guidelines mean this document, the Secretary's Guidelines for retirement villages.

Item of capital means:

- (a) any building or structure in a retirement village, and
- (b) any plant, machinery or equipment used in the operation of the village, and
- (c) any part of the infrastructure of the village, and
- (d) any other item prescribed by the Regulation:
 - i. fixtures (for example, bench tops, built-in cupboards and wardrobes, floor coverings, hot water systems and stoves),
 - ii. fittings (for example, light fittings, taps and sanitary fittings),
 - iii. furnishings (for example, curtains and blinds),
 - iv. non-fixed items (for example, whitegoods, portable air conditioners, fans, tables, and chairs),

but does not include any item excluded from this definition by the regulations.

Major item of capital means the following, but does not include equipment that is a consumable used in the operation of an item of capital or in the day-to-day operation of the village—

- (a) an item of capital for which the operator of a retirement village is responsible that has a purchase price of \$1,000 or more,
- (b) a group of items of capital for which the operator of a retirement village is responsible comprising items of capital—
 - i. that are similar, and
 - ii. each of which has a purchase price of \$1,000 or more, and
 - iii. have the same effective life and financial year of acquisition as each other.

Operator means the person who manages or operates a retirement village and for the purpose of these guidelines is referred to as “you”.

Independent qualified quantity surveyor means a quantity surveyor who is a member of the Australian Institute of Quantity Surveyors or the Royal Institution of Chartered Surveyors and, does not have a pecuniary or other interest that could be reasonably regarded as capable of affecting the person’s ability to assess the asset management plan of a retirement village in good faith.

Regulation means the Retirement Villages Regulation 2017.

Secretary means the Secretary as defined in the Act.

Shared major item of capital means a major item of capital that is also used in the operation of another retirement village or a residential aged care facility.

The **auditor** means the auditor whose appointment as the auditor of a retirement village has received the consent, or is taken to have received the consent, of the residents of the retirement village under the Act, Part 7, Division 6, Subdivision 1.

Tribunal is the NSW Civil and Administrative Tribunal.

1. Purpose of these guidelines

Under section 101A of the *Retirement Villages Act 1999* (the **Act**), all operators of retirement villages must prepare and keep up-to-date an asset management plan that complies with the Act and Regulation.

Section 189B of the Act enables the Secretary to issue these Guidelines to assist you in complying with your obligations regarding asset management plans.

The purpose of these guidelines is to:

- explain what you need to record in an asset management plan,
- outline your asset management reporting obligations,
- explain how asset management will inform and link with the existing budget procedures under the legislation,
- suggest a template to assist you when developing your asset management plan, and
- provide general guidance (not legal, financial or taxation advice).

The Tribunal may take these Guidelines into account in determining whether there has been compliance with the Act (though will not be bound by the Guidelines). More information on the Tribunal's role is discussed at section 7 of the Guidelines.

Disclaimer

Every effort has been made to ensure that the information presented in the Guidelines is accurate at the time of publication. The Guidelines may be reviewed and amended from time to time. Information about the Act and Regulation may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the Act and Regulation. In the event of any inadvertent errors or inconsistency between the Guidelines, and the Act and Regulation, the Act and Regulation prevail.

2. Asset management plan

What is an asset management plan? (clauses 26B and 26D(1) of the Regulation)

Section 93 of the Act requires that you maintain each item of capital for which you are responsible, in a reasonable condition, and under section 101A of the Act, you must prepare a 10-year asset management plan for each village you manage or operate.

An asset management plan documents the costs of purchase and ongoing maintenance, repairs, and replacement of a retirement village's major items of capital, including shared major items of capital. This provides transparency around the maintenance and future costs of retirement village assets, for which residents pay the maintenance for.

The plan must include the following content:

1. **an asset register** of the village's major items of capital, including information about the effective life of items of capital (section 3 of these guidelines), and
2. **a maintenance schedule** of the village's major items of capital, including information about capital replacement (section 4 of these guidelines), and

Section 98 of the Act requires you to include capital maintenance in the proposed annual budget. You must also include a **3-year report** prepared under cl 19A of the Regulation for capital maintenance extracted from the asset management plan (section 5 of these guidelines).

The 3-year report will inform expenditure for major items of capital in the annual budget. It will also provide information about your proposal to replace or continue to maintain an item to encourage a discussion with residents at the annual budget.

Following the expiry of the first 10-year period, you must prepare another asset management plan for each retirement village you operate every 10 years.

Format

You can use any format for your asset management plan, provided it includes the components set out in the Regulation and these guidelines. If you have existing asset management or accounting systems, you can also use either of these to comply with the requirements.

Appendix 1 includes a template to help you with the development of an asset management plan.

What do you need to do when preparing, updating, or revising the plan?

Preparing an asset management plan (clause 26C of the Regulation)

When preparing the first or revising an asset management plan, you must:

- obtain an independent assessment by the auditor or an independent qualified quantity surveyor as to whether the plan contains the matters specified in the asset register and the maintenance schedule, and annex it to the draft plan,
- notify residents that a proposed asset management plan and the independent assessment are available, at least 60 days prior to the commencement of asset management plan,
- have a copy of the proposed asset management plan and independent assessment at the village or at a place of business in NSW for inspection by a resident, prospective resident, or their representative,
- enable residents to provide comments on the proposed plan for your consideration,
- prepare a report of all comments received, and
- for each comment explain:
 - any revisions of the plan arising from the comments, or
 - the reasons you did not revise the plan in response to the comments,
 - attach the report to the plan.

Please note that if you had started preparing an asset management plan that is to commence on or before 29 August 2021 you are not required to obtain and annexe an independent assessment to that proposed plan.

However, if you are not required to annexe an independent assessment to a proposed plan you must, on or before the commencement of the next financial year of the retirement village, obtain and annexe an independent assessment to that plan.

Please note that you can prepare and keep the asset management plan up to date yourself, or you may wish to have a third party do it for you. Regardless of who prepares the asset management plan, the auditor or an independent qualified quantity surveyor is still required to review the asset management plan when it is prepared. An asset management plan must be prepared every 10 years.

Notification requirements for residents (clauses 26C and 26H of the Regulation)

While preparing or revising the asset management plan, you must notify each resident of the retirement village that:

- there is copy of the proposed plan and of the independent assessment available for their inspection,
- they can inspect it at all reasonable times,
- they can inspect it either at the village or at a place of business nominated in the notice.

Keeping the asset management plan up to date (clause 26E of the Regulation)

You must ensure that the asset management plan is up to date. In particular the law requires you to update the plan:

- when purchasing major items of capital, you must record the purchase in the asset register within 7 days of the purchase date.
- if the 3-year report that you included in an annual budget was amended and approved during the budget process, within 28 days.
- as soon as reasonably practicable, after each time you undertake maintenance or replace a major item of capital:
 - as for maintenance, you must record:
 - the actual costs of maintenance, and
 - the dates you carried out maintenance, and
 - the type of maintenance,
 - the accumulated costs of all maintenance expressed:
 - in dollar amounts, rounded up or down to the nearest dollar, and
 - as a percentage of the original purchase price of the item,
 - as for repairs, you must record:
 - the actual costs of the repairs, and
 - the dates you carried out the repairs, and
 - a description of the repairs,
 - the accumulated costs of all repairs expressed:
 - in dollar amounts, rounded up or down to the nearest dollar, and
 - as a percentage of the original purchase price of the item,

- as for replacement, you must record:
 - the actual date of replacement, and
 - the actual costs of replacement,
- as for a shared major item of capital, you must record:
 - the proportion of the accumulated capital maintenance costs attributed to the use of the item by the village.

To express the accumulated costs of maintenance or accumulated costs of repairs as a percentage of the purchase price you must use the following formula:

Total costs of all maintenance or repairs divided by the purchase price and multiplied by 100.

In addition to these legal requirements, Operators are encouraged to undertake best practice document control. Record the date of changes and number versions, and where possible, have these changes approved by a secondary person such as the village manager or your accountant.

When to revise the plan (clause 26H of the Regulation)

You must revise the current asset management plan when the total costs of capital maintenance estimated at the commencement of the plan are likely to increase by 25 percent or more (excluding CPI increases).

As soon as reasonably practicable after noticing the likely increase in capital maintenance costs, you must:

- revise the estimates in the asset management plan,
- notify residents,
- enable residents to provide comments on the proposed plan for your consideration,
- prepare a report of all comments received,
- for each comment explain:
 - any revisions of the plan arising from the comments, or
 - the reasons you did not revise the plan in response to the comments, and
- annex a notice to the revised plan.

The notice must contain the following information:

- a list of the major items of capital and shared major items of capitals for which the costs are likely to increase,
- the original and revised estimates of capital maintenance costs for each item, and

- the reason for the change in the estimates.

You are only required to notify the residents once of the likely increase. If, however, there is a further 25 percent or greater again within the 10-year plan period, then you will have to notify the residents of this further increase.

A framework is in **Appendix 2** to assist with meeting these guidelines.

Calculating the likely increases

You must calculate increases in the costs of capital maintenance, net of increases in the Consumer Price Index (CPI) published in each relevant year of the asset management plan.

Example: Likely total increases in the first 5 years of the plan: 38.0% including CPI.

- Costs of maintenance likely to increase in the first 5 years of the plan: 25.5%
- CPI increased by 2.5% each year in the first 5 years: 12.5%

In this example, although the cost of maintenance including CPI increases results in a cost increase of 38%, only the cost of maintenance excluding CPI is considered for the purposes of revising the asset management plan. Here, the costs of maintenance will increase by 25.5%, which is just over the 25% threshold. A revision to the asset management plan in these circumstances is required.

Who must have access to the asset management plan and the 3-year report? (sections 20, 112 of the Act, clause 12 of the Regulation)

You must make the most up to date version of the asset management plan, including the 3-year report available at your village or at a place of business in New South Wales, for inspection by a resident or prospective resident or a person acting on their behalf.

You must also make a hard copy or an electronic copy available 7 days after receiving a request from a resident or a prospective resident.

If you are not required to provide residents with a proposed annual budget, then you must notify residents there is a copy of the 3-year report available for inspection by residents and prospective residents at all reasonable times.

Who pays the costs of preparing and reviewing the asset management plan? (sections 99(5) of the Act, clause 28(2) of the Regulation)

There are two avenues open to you to recover these costs – capital works fund or recurrent charges. Please note that for both, residents' consent must be obtained for this expenditure.

Using the capital works fund

The Act limits how recurrent charges collected from residents can be spent. If an operator wishes to use a portion of the recurrent charges to fund capital maintenance, a capital works fund must be established. In turn, both the Act and the Regulation limit how the capital works fund can be spent. More information on a capital works fund is available at fairtrading.nsw.gov.au.

If the retirement village operator intends to use the capital works fund to pay for the preparation and review of an asset management plan, they may do so if the residents consent to using the capital works fund for that purpose. Please note that residents' consent must be obtained by special resolution.

Recurrent charges

If a retirement village does not have a capital works fund, it may also be possible to fund the preparation and review of an asset management plan from recurrent charges, if included in the annual budget and if the residents consent.

Ordinarily, recurrent charges cannot be used to fund costs associated with the operator's head office or management or administration. However, if those fees are associated with providing a service to residents, the recurrent charges can be spent on those fees if (1), the fees are included in the annual budget, and (2) the residents consent to the use of recurrent charges in that way, through the annual budget process.

3. Asset register

What items of capital you must include in the asset register? (clause 26F of the Regulation)

The asset register is one component of the asset management plan. You must record all new and existing **major items of capital** in the asset register, including those major items of capital you share with other villages or aged care businesses.

Notes:

- New items refer to major items of capital purchased on or after the day the Regulation came into effect (5 February 2021).

- Existing items are major items of capital purchased before the day the Regulation came into effect which are still in use and residents pay to maintain.
- You should use the asset register to develop the maintenance schedule.

You must include the following information in the asset register:

- a brief description of the item,
- the effective life of the item,
- the asset ID number,
- the brand model number (**if available and applicable**),
- the serial number (**if available and applicable**),
- for an item that is not a building:
 - the date of purchase, and
 - the purchase price, and
- if the item is a building or structure or part of the infrastructure of the village:
 - the date on which construction was completed, and
 - the costs of construction,
- for a shared major item of capital:
 - the name of the retirement village also using that item.

Please note that recording the brand model and the serial number of an item in the asset register is optional, and if an item was purchased or constructed before 1 February 2021, record the information for each item if the information is available.

You cannot charge residents for maintenance or repairs of a major item of capital if the item is not in the Asset Register.

How are major items of capital defined? (clause 26A of the Regulation)

A major item of capital is an item of capital for which you are responsible, that has a purchase price of \$1,000 or more, or are part of a group of similar items of the same effective life and acquisition financial year and each of which each has a purchase price of \$1,000 or more.

An item of capital does not include consumables. Consumables are equipment that are used in the operation of an item or in the day-to-day operation of the retirement village. Examples include lawn

mower blades for a lawn mower, printer ink cartridges and paper for a printer. These are not assets and are not items of capital.

Gardens

Gardens are not an item of capital. Major items of capital do not include gardens. The maintenance of gardens is classed as a general service under section 4 of the Act. General services are included as part of the budget process under section 98 of the Act.

The planting of new plants and landscaping are not maintenance.

On the Fair Trading website, the Department has published a model budget, which includes ground care and gardening materials, wages, and contractors as line items.

Can you group similar items of capital?

You may find it useful to group similar major items of capital. Below is a worked example of how this could be applied:

You purchase 100 chairs @\$1000 each

- total cost of the group - \$100,000
- purchase date – 2020 financial year
- effective life - 5 years

You can record the group as the “Chairs Group 1” in the asset management plan because the purchase price of each chair is \$1,000 or more, that are similar (chairs) and each of which has the same effective life (5 years) and financial year (bought in the 2020 financial year).

If you dispose of 10 chairs from the group, you must record it in the asset management plan and adjust the maintenance costs accordingly. For example, if 10 chairs in the group got disposed/replaced the “Chairs Group 1” will remain and you must adjust the maintenance cost for the group to the remaining 90 chairs.

If you buy 10 chairs at \$1,200 each, that are similar, of the same effective life and purchased in the same financial year to replace the ones disposed/replaced, you can create a new group (i.e. “Chairs Group 2”) or record the chairs individually in the register.

How do you estimate and record the expected life of major items of capital? (clause 26G of the Regulation)

You must use the methods specified in clause 26G of the Regulation to estimate the effective life of major items of capital. These methods include:

1. for plant, machinery and equipment use the Australian Taxation Office (ATO) Commissioner's determination of the effective life of depreciating assets (the **Commonwealth Taxation Ruling**) under section 40-100 of the *Income Tax Assessment Act 1997 (Commonwealth)* (the **ITAA**). This is often amended, and you should check the ATO website for the most current version¹,
2. for certain vehicles (bus, a light commercial vehicle, a truck and a truck trailer, and any other vehicle listed by the ATO) use the Commissioner's determination of effective life for vehicles (the shorter of the capped effective life (under section 40-102 of the **ITAA**)), or

Where there is not a Commissioner's determination for an item, you must assess the effective life of the item yourself by estimating the period (in years) the asset can be used by you for a specified purpose. When doing this assessment, you must consider:

- the rate of reasonable wear and tear of the item,
- the item will be maintained in reasonably good order and condition, and
- the period the item it is likely to be disposed of (scrapped, sold for no more than scrap value, or abandoned).

Further information about calculating the effective life of assets is available from the ATO website at ato.gov.au.

You must estimate and record the estimated effective life of new or existing items in the asset register:

- for existing major items of capital purchased before the day the Regulation commenced (5 February 2021), and
- for new major items of capital purchased on or after the day the Regulation commenced.

This will increase transparency and provide information about when an item of capital is approaching the end of its life.

What do you need to do with items of capital not in the plan?

You are not required to record an item of capital with a purchase price of less than \$1,000 in the asset management plan. However, you must include information about the cost of maintenance and replacement of these items of capital items through the annual budget process, as per the requirements of section 98 of the Act.

¹ The ATO issues a tax ruling each year for determination of effective life, for example, see *TR2020/3 Income Tax: Effective Life of Depreciation Assets* for this financial year.

More information about the budget process for retirement villages can be found on the Fair Trading website at fairtrading.nsw.gov.au

4. Maintenance Schedule

Information you must include in the maintenance schedule (clause 26D(2) of the Regulation)

A maintenance schedule sets details for maintaining and replacing the major items of capital which is funded by recurrent charges or from the capital works fund. This includes items shared with other villages or aged care facilities. The maintenance schedule is prepared from the asset register.

You must include the planned maintenance, and replacement activities (including estimated and actual costs) in the schedule:

- for works proposed to maintain the item:
 - an estimate of the costs of maintenance, and
 - the proposed frequency of maintenance or dates of proposed maintenance, and
 - the type of maintenance,
- for works proposed to the repair the item:
 - an estimate of the costs of the repairs, and
 - the dates of the proposed repairs, and
 - a description of the repairs,
- for the replacement of the item:
 - the proposed dates of capital replacement,
- for a shared major item of capital:
 - an estimate of the proportion of the accumulated capital maintenance costs attributed to the use of the item by the village.

5. 3-year report

What information you must include in the 3-year report? (clause 19A of the Regulation)

Section 98 of the Act requires you to include certain information about capital maintenance for **all items of capital** in the proposed annual budget when you propose to use recurrent charges or the capital works fund to fund capital maintenance. You must:

- list each item of proposed capital maintenance, and
- for each item specify the expected cost, and
- include any quotes that the you have got, and
- include provision for urgent capital maintenance.

Clause 19A of the Regulation requires that you must prepare a report of 3 years of capital maintenance for **major items of capital**, including shared major items of capital, and include it in the proposed annual budget.

To prepare the report you must extract information from the asset management plan current for the 3-year including:

- in relation to the proposed maintenance and repairs of each major item of capital:
 - an estimate of the costs, dates, and type of proposed maintenance, and
 - an estimate of the costs and type of any proposed repairs.
- the amount of recurrent charges set aside in the capital works fund for capital maintenance of major items of capital.

Note: The 3-year period must start at the beginning of the financial year to correspond with the annual budget financial year.

An example of how you could record on, and extract information from the asset management plan to prepare the 3-year report and include it the annual budget is in Figure 1.



Figure 1: Transposing information from the asset management plan to the 3-year report

Additional matters you must include in the 3-year report

As mentioned in section 2, under the Act you must maintain each item of capital for which you are responsible, in a reasonable condition considering the age and prospective life of the item and the money residents pay to you. If it is not practical to maintain, you may replace the item.

You must carry out maintenance or replace the item within a reasonable timeframe once you become aware of the need to do so. Clause 19A(3)(c) & (d) requires that you must include the following information about major items of capital that have:

- a year or less of effective life remaining or
- for an item other than a building, the accumulated costs of repairs are 90% or greater of the purchase price as at the date on which the 3-year report is prepared and
- whether you propose to replace or continue to maintain the item.

This process encourages a discussion between you and residents before deciding to prolong the life of the item through maintenance or whether to replace it. Ideally, residents would agree on what to do with these items.

The aim of this provision is to ensure transparency and good management of finances by not replacing an item of capital if it is unnecessary to do so.

Below is an example of how this could work:

You purchase a ride-on mower:

- purchase price - \$2,000
- purchase date - 2012
- effective life - 10 years
- accumulated costs of repairs – 90%

If the accumulated costs of repairs reach \$1,800 (90 percent of the purchase price) or the item kept until 2021 (one year within the end of the item's effective life), you include this information in the 3-year report for discussion with residents at the annual budget.

How do asset management plans and the 3-year report fit into the existing annual budget process?

The asset management plan does not form part of the annual budget. Residents can review and provide comments on the asset management plan, but do not provide their consent on the asset management plan. Instead, you need to explain how you addressed the residents' comments in the plan or explain why you have not addressed the comments (clause 26C).

The plan is for recording information and providing transparency. However, residents can apply to the Tribunal if they think the operator is not maintaining or replacing items of capital (s 96 of the Act).

The 3-year report is included in the annual budget. It itemises the proposed capital maintenance costs for a relevant period of 3 years. As mentioned further above it also provides information about which major items of capital you propose to replace or continue to maintain.

Section 114 of the Act requires you to seek residents' consent of the expenditure itemised in the proposed annual budget. Residents can consent or refuse to consent to the expenditure detailed in the proposed annual budget. If residents refuse to give their consent to the budget, the operator or a resident may apply to the Tribunal to make an order regarding the proposed expenditure for that financial year (section 115 of the Act).

Figure 2 illustrates how asset management plans and the 3-year report interact with the annual budget process:

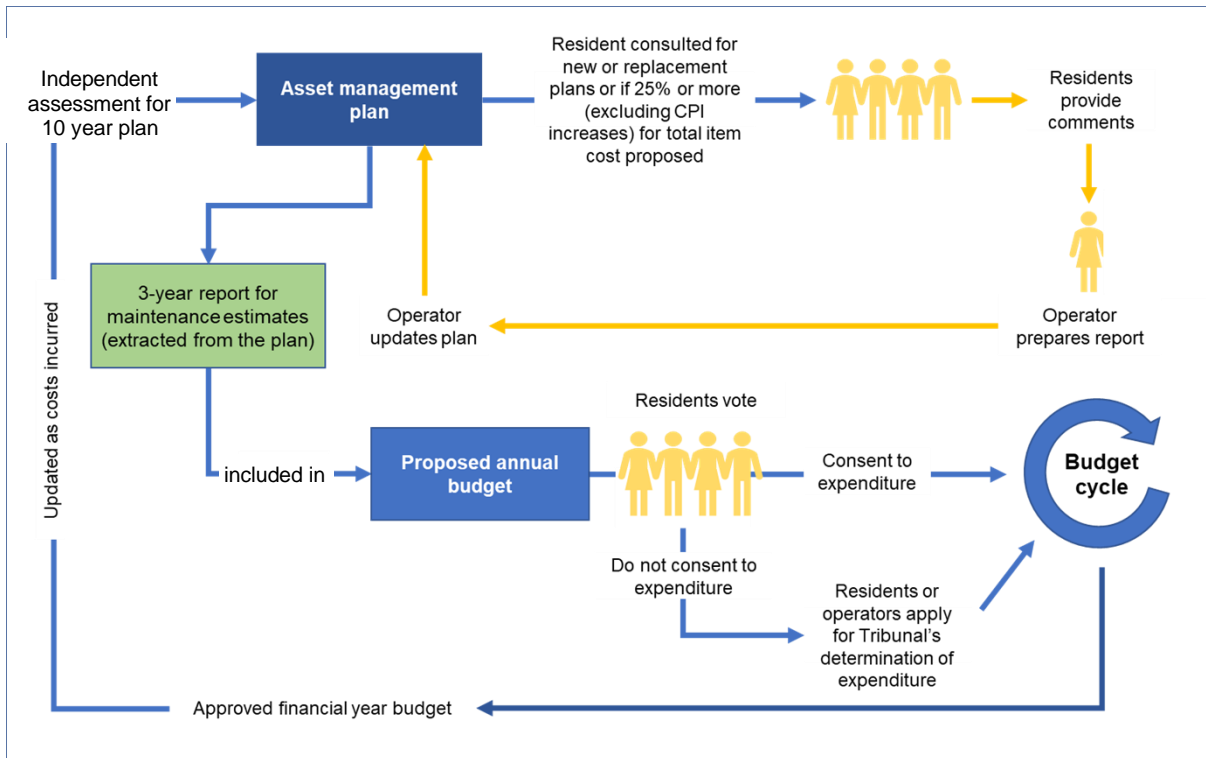


Figure 2. How asset management plans and the 3-year report interact with the annual budget process

6. NSW Civil and Administrative Tribunal's role

Residents can apply to the Tribunal if you do not maintain or replace items of capital for which you are responsible (section 96 Act). The Tribunal has the power to order you to carry out repairs, maintenance, or replacement within a specified time. The Tribunal can also make an order to determine whether work is 'maintenance' or 'replacement' when there is a disagreement between you and the residents.

7. Penalties and penalty notice offences

Section 101A includes offence provisions for operators who do not comply with the requirements related to asset management plans. Section 184 of the Act empowers authorised officers to issue a penalty notice if it appears you have committed a penalty notice offence. For the purposes of section 184 of the Act, Schedule 5 of the Regulation specifies new offences against which a penalty notice may be issued. On the spot fines of up to \$1,100 may apply for a breach of an asset management plan requirement.

8. Rules of Conduct for Operators of Retirement

Villages (Schedule 3A of the Regulation)

Schedule 3A of the Retirement Villages Regulation prescribes mandatory Rules of Conduct for Operators of Retirement Villages. Under these Rules of Conduct, you must abide by the standards of conduct and behaviour expected of operators and their staff in relation to the management and operation of a retirement village.

You must have knowledge of relevant laws and minimum standards in the handling of complaints and resolving disputes in a retirement village.

In exercising your functions, including your responsibilities for maintenance and replacement, you must:

- have regard to the best interests of all residents as is practicable or appropriate
- exercise reasonable skill, care, and diligence
- act honestly, fairly, and professionally, with all parties to negotiations, transactions or any other dealings relating to a resident or prospective resident
- not misinform or otherwise mislead or deceive any parties to negotiations, transactions or any other dealings relating to a resident or prospective resident.

You must avoid conflicts of interest and disclose conflicts of interest. Offence provisions apply for not abiding by the Rules of Conduct for Operators of Retirement Villages.

Appendix 1 - Retirement village asset management plan suggested template

Retirement village name

Retirement village address

Date plan created (dd/mm/yyyy)

Authorised by

Plan last updated

Asset register

List of major items of capital										
Asset ID number	Brand model number (if applicable and available) (optional)	Serial number (if applicable and available) (optional)	Brief description of the major item of capital	Effective life (years)	Remaining effective life (years)	Date of purchase (item not a building)	Purchase price	If building, structure or part infrastructure, Date construction completed	If building, structure or part infrastructure, Costs of construction	If shared item, name of business also using the item
PEM001	X654	11122233	Gate	15	5	3/01/10	\$2,000	3/01/10	\$100,000	ABC

Maintenance Schedule

Schedule of estimated maintenance and replacement costs											
Estimated costs of proposed maintenance	Proposed frequency or proposed Date of maintenance	Type of maintenance	Estimated cost of proposed repairs	Date of proposed repairs	Description of proposed repairs	Date of proposed replacement	If shared item, estimate of accumulated maintenance costs	If shared item, % of accumulated maintenance costs			
\$100	Annual	Cyclical	\$150	01/01/21	Fix gate	01/01/23	N/A	N/A			

Keeping the plan up to date – actual costs

Schedule of actual maintenance and replacement costs												
Actual costs of maintenance carried out	Actual date maintenance carried out	Type of maintenance carried out	Actual accumulated cost of maintenance (\$)	Actual accumulated cost of maintenance as a % of the purchase price	Actual costs of repairs carried out	Actual date of repairs carried out	Description of repairs carried out	Actual accumulated cost of repairs (\$)	Actual accumulated cost of repairs as a % of the purchase price	Proportion of accumulated cost of maintenance for shared item	Actual date replacement carried out	Actual cost of replacement carried out
\$100	1/01/21	Cyclical	\$1,100	60%	\$500	01/01/21	Change motor	\$500	25%	N/A	N/A	N/A

Appendix 2 - Asset management planning framework

Prepare or replace plan

- Prepare a 10-year asset management plan for major items of capital (with a purchase price of \$1,000). Grouping similar items is acceptable.
- The asset management plan must include an asset register and a maintenance schedule. The maintenance schedule is prepared from the asset register.
- The auditor or an independent qualified quantity surveyor must confirm the plan contains the matters specified and, prepare an independent assessment which must be annexed to the draft plan.
- Notify residents that a proposed new or replacement asset management plan is available 60 days prior to the commencement of the plan.
- Enable residents to provide comments, prepare a report of all comments and explain any revisions to the plan or reasons why the plan was not revised as a result of a comment.

Update or Revise plan

- Keep the plan up-to-date including any amendments that need to be reflected from changes to the 3-year report for capital maintenance-approved as part of the annual budget.
- Send residents a proposed asset management plan for comment when the cumulative total maintenance costs have increased by 25 percent or greater (excluding CPI increases).
- Enable residents to provide comments, prepare a report of all comments and explain any revisions to the plan or reasons why the asset management plan was not revised as a result of a comment.

Prepare 3-year report

- Extract a 3-year report for capital maintenance of major items of capital from the asset management plan.
- Include information in the report about major items of capital that are near the end of their effective life or that are at 90% of accumulated repairs.
- Include the 3-year report in the proposed annual budget and: seek the consent of residents to the proposed annual budget, and discuss the fate of items of capital detailed in the report.
- If there is not an annual budget notify residents that there is a copy of the report available for their inspection at all reasonable times.
- The NSW Civil and Administrative Tribunal will decide in a case where residents do not consent to the capital maintenance included in the proposed annual budget and a resolution cannot be reached.

Make plan and the 3-year report available

- Make the plan and the 3-year report available to residents, prospective residents and those acting on behalf of a resident.

Appendix 3 – Items of Capital and Examples

The *Retirement Villages Act 1999* and the *Retirement Villages Regulations 2017* clearly delineates the responsibilities for the costs of capital maintenance and capital replacement. Residents fund maintenance of items of capital through recurrent charges or the capital works fund (if one exists), while the operator must fully cover most capital replacement costs (see table below)

	Capital maintenance	Capital replacement
Definition under the Retirement Villages Act	<p><i>‘work carried out to repair or maintain an item of capital’</i></p> <p><i>‘work does not include work done to substantially improve an item of capital beyond its original condition, or work done to maintain or repair an item of capital if it would have been more cost effective to replace it’</i></p>	<i>‘works carried out for the purpose of replacing an item of capital but does not include capital maintenance’</i>
Type	<ul style="list-style-type: none"> Planned maintenance Repairs 	<ul style="list-style-type: none"> When it is not practical to maintain
Responsibility for cost	<ul style="list-style-type: none"> Resident 	<ul style="list-style-type: none"> Operator
Source of funds	<ul style="list-style-type: none"> Recurrent charges Capital works fund (if it exists) 	<ul style="list-style-type: none"> Operator

In addition, the new reforms for asset management plans provides greater transparency on whose is responsible for the costs by recording the lifespan of major items of capital, including the effective life of items and a process to discuss the fate of items nearing the end of their effective life or when the accumulated cost of repairs is 90 % or more of the purchase price.

The table below details provide the definitions under the Act and the table after providing some examples of items of capital.

Items of capital under the Act

Item of capital (Act)	Item of capital (Regulation)	Major item of capital (Regulation)
<p>item of capital means—</p> <p>(a) any building or structure in a retirement village, and</p> <p>(b) any plant, machinery or equipment used in the operation of the village, and</p> <p>(c) any part of the infrastructure of the village, and</p> <p>(d) any other item prescribed by the regulations,</p> <p>(e) but does not include any item excluded from this definition by the regulations.</p>	<p>For the purposes of paragraph (d) of the definition of item of capital in section 4 (1) of the Act, the following items in a retirement village or residential premises within a retirement village are prescribed to be items of capital—</p> <p>(a) fixtures (for example, bench tops, built-in cupboards and wardrobes, floor coverings, hot water systems and stoves),</p> <p>(b) fittings (for example, light fittings, taps and sanitary fittings),</p> <p>(c) furnishings (for example, curtains and blinds),</p> <p>(d) non-fixed items (for example, whitegoods, portable air conditioners, fans, tables and chairs).</p>	<p>major item of capital means an item of capital, other than equipment that is a consumable used in the operation of an item of capital or in the day-to-day operation of the village, for which the operator of a retirement village is responsible that—</p> <p>(a) has a purchase price of \$1,000 or more, or</p> <p>(b) is part of a group of similar items of capital—</p> <p>(i) each of which has the same effective life and acquisition date, and</p> <p>(ii) having a combined total purchase price of \$1,000 or more.</p>

Items of capital under each category

Plant, machinery & equipment	Fixture and Fittings	Building or Structure		Any part of the infrastructure
<p>For example</p> <ul style="list-style-type: none"> • water systems, • lifts, • lights, • vehicles • sewage motors, • swimming pool covers, • and any other that is not a building or structure or any part infrastructure 	<p>For example</p> <ul style="list-style-type: none"> • fixtures (for example, bench tops, built-in cupboards and wardrobes, floor coverings, hot water systems and stoves), • fittings (for example, light fittings, taps and sanitary fittings), • furnishings (for example, curtains and blinds), 	<p>For example</p> <ul style="list-style-type: none"> • buildings or extensions, • sealed driveways, fences and retaining walls • earthworks for environmental protection, such as embankments. 	<p>For example</p> <ul style="list-style-type: none"> • detached workshops, • sheds, • other outbuildings, • tennis courts, • driveways, path, and other paving, • retaining walls, • fences and gates, 	<p>For example</p> <ul style="list-style-type: none"> • sewage or drainage system, • water and electric systems, • telecommunications, • kerb & gutter

Plant, machinery & equipment	Fixture and Fittings	Building or Structure		Any part of the infrastructure
	<ul style="list-style-type: none"> non-fixed items (for example, whitegoods, portable air conditioners, fans, tables, and chairs). 		<ul style="list-style-type: none"> ornamental ponds and water features, detached garages, cabanas, detached decks, porches, verandas, pergolas. 	<ul style="list-style-type: none"> Roads or pathways could also be classed as infrastructure too.

A common issue in the interpretation and application of the Act is the distinction between capital maintenance and capital replacement. The classification of works as capital maintenance or capital replacement depends on the item being maintained, repaired, or replaced, and the extent to which those works improve, alter, or add to the item.

As long as it is not inconsistent with the definitions under the Act, the [Taxation Ruling 97/23 Income tax: deductions for repairs](#) (the tax ruling) is a good guide to identify if works on items of capital are repairs, improvements or replacement. You should seek specialist advice to help determine if a work is repair, improvement, or replacement, when in doubt and before going to the Tribunal. These guidelines are not intended to provide advice.