

# Real Property Regulation 2008

[2008-395]



New South Wales

## Status Information

### Currency of version

Historical version for 1 July 2010 to 30 June 2011 (accessed 27 November 2024 at 20:46)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**

- [Real Property Amendment \(Torrens Assurance Levy Repeal\) Act 2011 No 7](#) (not commenced — to commence on 1.7.2011)

- [Real Property Amendment Regulation 2011 \(282\)](#) (LW 10.6.2011) (not commenced — to commence on 1.11.2011)

- [Real Property Amendment \(Fees\) Regulation 2011 \(300\)](#) (LW 24.6.2011) (not commenced — to commence on 1.7.2011)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 24 June 2011

# Real Property Regulation 2008



New South Wales

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# Real Property Regulation 2008



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Real Property Regulation 2008*.

### 2 Commencement

This Regulation commences on 1 September 2008.

#### Note—

This Regulation replaces the *Real Property Regulation 2003* which is repealed on 1 September 2008 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

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

**the Act** means the *Real Property Act 1900*.

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

## Part 2 Dealings and caveats

### 4 Lodgment of dealings and caveats

A dealing or caveat that is intended to be lodged at the office of the Registrar-General must:

- (a) be lodged in the approved manner, and
- (b) be accompanied by the relevant fee, as set out in Part 1 of Schedule 1, and
- (c) be accompanied by any Torrens assurance levy payable, as set out in Part 2 of Schedule 1.

## **5 Certain instruments to comply with Schedule 2 requirements**

Each of the following instruments must comply with the requirements set out in Schedule 2 if the instrument is intended to be lodged at the office of the Registrar-General:

- (a) an application or dealing that is required by the Act or any other Act to be in an approved form,
- (b) a caveat referred to in section 74B or 74F of the Act,
- (c) a declaration of trust (or a duplicate or an attested copy) lodged in accordance with section 82 of the Act.

## **6 Joint tenancy or tenancy in common to be stated**

- (1) The following applications and dealings must state whether the persons concerned take as joint tenants or as tenants in common:
  - (a) an application by 2 or more persons to be registered as proprietors of land,
  - (b) a transfer, mortgage, charge or lease in favour of 2 or more persons,and, if they take as tenants in common, the shares in which they take.
- (2) If the persons take as tenants in common, and if the shares in which they take are expressed as fractions, the shares must be stated by means of fractions having a common denominator and each numerator or denominator of the fraction must be an integer (for example: "A takes as to five-tenths, B takes as to three-tenths and C takes as to two-tenths").

## **7 Caveats: particulars of estate or interest claimed**

The following caveats must specify the particulars set out in Schedule 3 in relation to the estate or interest to which a caveator claims to be entitled:

- (a) a caveat lodged under section 74B of the Act against a primary application,
- (b) a caveat lodged under section 74F of the Act against a dealing, possessory application or delimitation plan, or against an application for cancellation of an easement or extinguishment of a restrictive covenant.

## **8 Caveats applying to part of land only: description of part**

- (1) This clause applies to a caveat lodged under section 74F of the Act against a dealing, possessory application or delimitation plan, or against an application for cancellation of an easement or extinguishment of a restrictive covenant.
- (2) A caveat to which this clause applies that relates to part only of the land described in a folio of the Register or a current lease must describe the part in accordance with the requirements of Schedule 4.

## **9 Annexure of plans to dealings or caveats**

- (1) A plan must not be annexed to or endorsed on a dealing or caveat lodged in the office of the Registrar-General unless the Registrar-General so approves.
- (2) A plan that is annexed to or endorsed on a dealing (other than a lease of premises) or caveat must comply with the requirements of Schedule 5.
- (3) A plan that is annexed to or endorsed on a lease of premises must comply with the requirements of Schedule 6.
- (4) Unless the Registrar-General otherwise approves, a lease of premises for a term of more than 25 years must show the leased premises in a plan annexed to or endorsed on the lease that complies with Schedule 6.

## **Part 3 Searches**

### **10 Official searches**

- (1) A requisition for an official search of the Register must be made in the approved form.
- (2) A requisition is to be limited to parcels of land held by one proprietor or jointly held by 2 or more proprietors.
- (3) A requisition may be lodged personally, by post, by facsimile or by other approved means.
- (4) The relevant fee set out in Part 1 of Schedule 1 must, if required by the Registrar-General, be paid before delivery of the office copy of a certificate of the result of a search.
- (5) If a requisition is withdrawn after the 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.
- (6) The Registrar-General may require an interim payment of fees before completion of a search.

### **11 Public searches**

For the purposes of section 96B of the Act:

- (a) the prescribed times at which information in the Register is to be made available are 8.30 am to 4.30 pm each day (other than a Saturday, Sunday or public holiday), and
- (b) the prescribed manner in which information in the Register is to be made available to an applicant is:
  - (i) by providing a copy of the information to the applicant in printed, electronic or

other approved form, or

- (ii) in the case of information contained in a computer folio of the Register, by furnishing a certificate to the applicant in accordance with section 96D or 96G of the Act, or
- (iii) in the case of information contained in a bound volume to which the public has access, by permitting the applicant to inspect the bound volume, and

(c) the prescribed fee is the relevant fee set out in Part 1 of Schedule 1.

## **Part 4 Miscellaneous**

### **12 Fees payable to the Registrar-General**

- (1) The fees specified opposite the matters listed in Part 1 of Schedule 1 are payable to the Registrar-General in respect of those matters.
- (2) A fee is payable before the service to which the fee relates is provided or at such time and in accordance with such conditions as the Registrar-General may agree with the person paying the fee.

### **12A Torrens assurance levy**

- (1) A Torrens assurance levy is payable in respect of any dealing, caveat, withdrawal of caveat, instrument, application or request listed in Part 2 of Schedule 1 that is lodged with the Registrar-General.
- (2) The amount of the levy is the amount as specified or calculated in accordance with Part 2 of Schedule 1.
- (3) A levy that is not a whole dollar amount is to be rounded down to the nearest whole dollar amount.
- (4) A levy is payable on the lodgment of the relevant dealing, caveat, withdrawal of caveat, instrument, application or request or at such time and in accordance with such conditions as the Registrar-General may agree with the person paying the levy.
- (5) For the purposes of determining the levy payable, the Registrar-General is entitled (but not required) to rely on any statement made in a notice of sale (being the notice required to accompany a dealing under section 39 (1B) of the Act) as evidence of the purchase price and date on which a contract for the sale of land was entered into.

### **13 Period for retention of documents**

For the purposes of section 12AA (2) (b) and (c) of the Act, the period prescribed:

- (a) for a plan or other document that has been lodged otherwise than for the purpose of its being registered or recorded, is the period of 12 months commencing with the day

on which it was lodged, or

- (b) for a plan or other document that has been registered or recorded, is the period of 12 months commencing with the day on which it was registered or recorded.

**14 Statement to accompany notice to Public Trustee of intention to apply for foreclosure order**

A statement accompanying a notice given to the Public Trustee under section 61 (2A) of the Act must contain the following particulars:

- (a) a statement that the notice is given pursuant to section 61 (2A) of the Act,
- (b) the full name and last known address of the mortgagor concerned and the date and place of his or her death,
- (c) the amount due and owing under the mortgage at the date the notice is given, or at such other date as may be specified in the notice.

**15 Service of notices on caveator: prescribed person**

For the purposes of section 74N (1) (d) of the Act, Toll Transport Pty Ltd is a prescribed person.

**16 Service of notices relating to lease where proprietor of lease is bankrupt**

For the purposes of section 91 (2) and (5) of the Act, the prescribed manner of serving a notice is by serving it in the manner provided in section 170 of the [Conveyancing Act 1919](#).

**17 Settlement of claims**

For the purposes of section 135 (3) (b) of the Act, the amount that may be paid by the Registrar-General in settlement of a claim must not exceed \$250,000.

**Note—**

Section 135 (3) (b) of the Act provides that a higher amount than the amount prescribed by this clause may be paid in a particular settlement if the Minister has approved of the settlement.

**18 Savings**

Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under the [Real Property Regulation 2003](#) is taken to have effect under this Regulation.

**18A Transitional—introduction of ad valorem Torrens assurance levy**

For a dealing to transfer the ownership in land under section 46 of the Act, the levy payable is the amount specified in item 7 of Part 2 of Schedule 1 (and not item 5 or 6) if either of the following provisions apply:



- (a) the dealing is a transfer executed to give effect to a contract for the sale of land entered into before the commencement of this clause,
- (b) the dealing is a transfer first executed before the commencement of this clause.

## Schedule 1 Fees and levies

(Clauses 4, 10, 11, 12 and 12A)

### Part 1 Fees

	\$
<b>Copies</b>	
1	On lodgment of an application for a certified copy of a registered instrument or part of it affecting land under the provisions of the Act—for each copy 97.00
2	For supplying a copy of a document or part of a document in the custody of the Registrar-General:
	(a) to any person attending an office of the Land and Property Management Authority 13.00
	(b) by electronic means to any agent licensed by the Land and Property Management Authority 6.70
	(c) to any person by some other means
3	On lodgment of an application for a copy of a document in the custody of the Registrar-General, other than a certified copy or a copy available to any person attending an office of the Land and Property Management Authority
	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service
	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy
<b>Advertisements</b>	
4	On advertisement, pursuant to section 12 (1) (h1) of the Act, of the intended exercise or performance of any power, authority, duty or function conferred or imposed on the Registrar-General by the Act
	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in publishing the advertisement
<b>Production of documents</b>	
5	For each Crown grant, certificate of title or other document produced for the purpose of any application, request, dealing or plan to be subsequently lodged 41.00

**Applications, requests and dealings**

6	On lodgment of a primary application to bring land under the Act pursuant to section 14 of the Act	1,255.00
7	On lodgment of a resumption application to bring land under the Act pursuant to section 31A of the Act	200.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first hour occupied in examining the application	50.00
8	On lodgment of an application under section 45D of the Act by a person in possession of land to be recorded as proprietor of an estate or interest in that land	93.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
9	On lodgment of a transfer by way of discharge of mortgage where a mortgagee has been recorded as registered proprietor pursuant to section 12B of the Act	93.00
10	On lodgment of a dealing for registration or recording of a unilateral severance of a joint tenancy pursuant to section 97 of the Act	93.00
11	On lodgment of a dealing to transfer an estate in land that changes the tenancy of co-tenants without altering their shares	93.00
12	On lodgment of a dealing to transfer the ownership of an estate in land pursuant to section 46 of the Act	190.00
13	On lodgment of an application, request or dealing for which no fee is otherwise provided	93.00
14	On lodgment of an application (other than an application to dispose of Crown land arising from the closing of a public road under the <a href="#">Roads Act 1993</a> ), request or dealing that will result in more than one recording on a folio of the Register, for each additional recording	97.00
15	On lodgment of an application to dispose of Crown land arising from the closing of a public road under the <a href="#">Roads Act 1993</a> , regardless of how many recordings will ensue	190.00
16	On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title	93.00
17	On lodgment of an application to record in the Register an appurtenant easement created by a deed	93.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in processing the application	50.00
18	On lodgment of an application under section 81A of the Act for the extinguishment of a restrictive covenant	93.00
	In addition:	

	(a) for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
	(b) for the Registrar-General's costs of giving notice under section 81D of the Act by way of registered post	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in posting the notice
19	On lodgment of an application under section 49 of the Act for the cancellation of an easement that has been abandoned or extinguished	93.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	50.00
20	On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands	93.00
21	On lodgment of a building management statement (within the meaning of the <a href="#">Conveyancing Act 1919</a> )	320.00
22	For every plan, sketch or diagram accompanying an application, request or dealing	97.00
23	For the creation of a certificate of title on any application, request or dealing (other than pursuant to section 111 of the Act), for each certificate, an additional	97.00
<b>Caveats</b>		
24	On lodgment or recording of a caveat	93.00
25	On withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act	93.00
26	On lodgment of a request for withdrawal or partial withdrawal of a Registrar-General's caveat (no fee is payable for withdrawal or partial withdrawal of a Registrar-General's caveat consequent on lodgment and registration of a dealing)	93.00
27	On lodgment of a request for the Registrar-General to direct the manner of service of a notice on a caveator pursuant to section 74N (1) (e) of the Act	93.00
28	On lodgment of an application for preparation of a notice for service on a caveator pursuant to section 74C (3), 74I (1) or (2), 74J (1) or 74JA (2) of the Act	93.00
29	On lodgment of a notice of a change of name of a caveator or of the address for service of a notice on a caveator	93.00

### Authentication of forms

30	For examination and authentication of any dealing, application, request or caveat that is required by any Act to be in an approved form which contains departures from the approved form and which is not a form licensed by the Registrar-General, an additional	97.00
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### Official searches

31	On requisition for an official search of a folio of the Register (whether or not requiring the continuation of a search from the date of a previous search of that folio or the date of a prior certificate of result of a search)	200.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first hour	50.00

### Public searches

32	On the lodgment of a requisition requiring dispatch of information by post, facsimile or other approved means:	
	(a) for an initial search of a folio of the Register, including investigation as to title reference, a copy of the relevant folio and the transmission fee	55.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first quarter-hour	55.00
	In addition, for inclusion in the initial search of any additional document forming part of the Register (per document)	13.00
	(b) for providing a copy of a document in the custody of the Registrar-General if no initial search is required, including a copy of the document and the transmission fee	24.00
	In addition, for inclusion of each additional document required	13.00

### Searches generally

33	In the case of a requisition for an official search of a manual folio, a computer folio certificate or a search of a historical record that, in the opinion of the Registrar-General, is a search for which the above schedule of fees is not appropriate	Such reasonable fee (determined by the Registrar-General in negotiation with the requesting party) as is warranted by the cost incurred in carrying out the search
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### Certificates of title

34	On lodgment of an application for a new certificate of title under section 111 of the Act	190.00
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### Miscellaneous

35	On depositing an instrument declaratory of trusts	93.00
35A	On depositing any other instrument not specified	97.00
36	On lodgment of an application for a statement of reasons under section 121 of the Act	93.00
37	For recording of any memorial or notification not otherwise provided for	97.00
38	On lodgment of a request for delivery of a document or documents pursuant to section 23A (3) (c) of the Act (no fee is payable if the request is made during the currency of the primary application)	24.00
39	For furnishing a certificate of ownership ( <i>Local Government Act 1993</i> —section 700 (2) or <i>Environmental Planning and Assessment Act 1979</i> —section 151 (2)) and incorporating in it any information as to subsisting encumbrances or interests	50.00
	In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	50.00
	In addition, for supplying each additional document forming part of the Register	13.00
40	For supplying information in response to a written inquiry as to the manner in which a proposed dealing or plan should be drawn, or as to whether a proposed dealing or plan is entitled to registration, or in response to a written inquiry that necessitates any searching or investigation	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in supplying the information, searching or investigating
41	For production of documents at the Office of State Revenue	24.00
42	In addition, for any dealing, application, request or caveat that refers to more than 20 folios of the Register	97.00 for each group of 20 folio references or part of that number

## Part 2 Torrens assurance levies

### Levy payable

#### Applications, requests and dealings

1	Application under section 45D of the Act by a person in possession of land to be recorded as proprietor of an estate or interest in that land	\$4
2	Transfer by way of discharge of mortgage where a mortgagee has been recorded as registered proprietor pursuant to section 12B of the Act	\$4
3	Dealing for registration or recording of a unilateral severance of a joint tenancy pursuant to section 97 of the Act	\$4

4	Dealing to transfer an estate in land that changes the tenancy of co-tenants without altering their shares	\$4
5	Dealing to transfer the ownership of an estate in land under section 46 of the Act, if the dealing is a transfer executed to give effect to a sale of land and the purchase price exceeds \$500,000 but not \$1,000,000	\$4 plus 0.2% of the amount by which the purchase price exceeds \$500,000
6	Dealing to transfer the ownership of an estate in land under section 46 of the Act, if the dealing is a transfer executed to give effect to a sale of land and the purchase price exceeds \$1,000,000	\$1,004 plus 0.25% of the amount by which the purchase price exceeds \$1,000,000
7	Dealing to transfer the ownership of an estate in land under section 46 of the Act for which no levy is otherwise provided	\$4
8	Application, request or dealing which is charged with a fee under item 13 of Part 1	\$4
9	Application to dispose of Crown land arising from the closing of a public road under the <a href="#">Roads Act 1993</a> , regardless of how many recordings will ensue	\$4
10	Application or request for amendment of a folio of the Register, Crown grant or certificate of title	\$4
11	Application to record in the Register an appurtenant easement created by a deed	\$4
12	Application under section 81A of the Act for the extinguishment of a restrictive covenant	\$4
13	Application under section 49 of the Act for the cancellation of an easement that has been abandoned or extinguished	\$4
14	Application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands	\$4

**Caveats**

15	Lodgment or recording of a caveat	\$4
16	Withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act	\$4
17	Request for withdrawal or partial withdrawal of a Registrar-General's caveat (no levy is payable for withdrawal or partial withdrawal of a Registrar-General's caveat consequent on lodgment and registration of a dealing)	\$4
18	Request for the Registrar-General to direct the manner of service of a notice on a caveator pursuant to section 74N (1) (e) of the Act	\$4
19	Application for preparation of a notice for service on a caveator pursuant to section 74C (3), 74I (1) or (2), 74J (1) or 74JA (2) of the Act	\$4

- 20 Notice of a change of name of a caveator or of the address for service of a notice on a caveator \$4

**Certificates of title**

- 21 Application for a new certificate of title under section 111 of the Act \$4

**Miscellaneous**

- 22 Instrument declaratory of trusts \$4

- 23 Application for a statement of reasons under section 121 of the Act \$4

**Schedule 2 Requirements for certain instruments**

(Clause 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) archival paper of a quality approved by the Registrar-General, that is:
    - (i) white and free from discolouration and blemishes, and
    - (ii) not less than 80 grams per square metre, and
    - (iii) 297mm in length by 210mm in width (standard A4), or
  - (b) such other 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) Unless:
    - (a) the Registrar-General otherwise approves, or
    - (b) otherwise provided for by this Schedule,all symbols used must be letters.
- 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.
- 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 an approved form, 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 approved process 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.

### **Schedule 3 Particulars of estate or interest to be specified in caveats**

(Clause 7)

- 1** Particulars of the nature of the estate or interest in land claimed by the caveator.
- 2** The facts on which the claim is founded, including (if appropriate) a statement as to the manner in which the estate or interest claimed is derived from the registered proprietor of the estate or interest or the primary or possessory applicant against which the caveat is to operate.
- 3** If the caveator's claim is based (wholly or in part) on the terms of a written agreement or other instrument, particulars of the nature and date of that agreement or instrument and the parties to it.
- 4** If the caveator claims as mortgagee, chargee or covenant chargee, a statement of the amount (if readily ascertainable) of the debt or other sum of money charged on the land (or, if the amount is not readily ascertainable, the nature of the debt, annuity, rent-charge or other charge secured on the land).
- 5** If the caveator claims as lessee for a term or for a renewal or extension of a term, particulars of the duration of the term or renewed or extended term and its commencing date (and, if the agreement for the term, renewal or extension includes an option for the renewal or extension of the term or to

purchase the reversion, a statement to the appropriate effect).

- 6** If the caveator claims an easement, particulars of the land or authority that has or is intended to have the benefit of the easement.
- 7** If the caveator claims a profit à prendre, particulars of the land or authority intended to have the benefit of the profit à prendre.
- 8** If the caveator claims a right to the benefit of a restriction on the use of land, particulars of the land or authority intended to have the benefit of the restriction.
- 9** If the caveator claims a right to the benefit of a positive covenant, particulars of the land or authority intended to have the benefit of the covenant.
- 10** It is not necessary to specify:
  - (a) whether the estate or interest claimed is legal or equitable, or
  - (b) the quantum of the estate or interest claimed (except as provided in items 4 and 5), or
  - (c) how the estate or interest claimed ranks in priority with other estates and interests in the land.

#### **Schedule 4 Description in caveats of part of land**

(Clause 8)

- 1** Except where item 2, 3 or 5 applies, the description of the part must refer to the part:
  - (a) as a lot or portion in a current plan within the meaning of the *Conveyancing Act 1919*, or
  - (b) as a proposed lot in a plan lodged for registration or recording:
    - (i) under Division 3 of Part 23 of the *Conveyancing Act 1919*, or
    - (ii) under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*,  
  
but only if the plan has not been so registered or recorded at the time of lodgment of the caveat, or
  - (c) if the Registrar-General so approves, as the land shown in a plan annexed to or endorsed on the caveat, which plan must contain sufficient information to establish, to the satisfaction of the Registrar-General, the relationship of the plan to the boundaries of the land comprised in the folio of the Register or the current lease to which the caveat relates.
- 2** If the claim of the caveator is in respect of:
  - (a) premises within an existing building, or
  - (b) a proposed lot in a proposed strata plan or other proposed plan of subdivision which, at the time of lodgment of the caveat, has not been lodged with the Registrar-General for registration or recording, or
  - (c) a parcel for which description in accordance with item 1 is inappropriate,

the description of the part must be in such other form or manner as will enable the Registrar-General to identify the part to which the claim relates.

- 3** If the claim of the caveator is in respect of an unregistered easement over part of the land comprised in a folio of the Register or a current lease, the description must identify the site of the easement:
  - (a) if the Registrar-General approves, as the land shown in a plan annexed to or endorsed on the caveat, or
  - (b) as the land shown in a plan which defines the site of the easement and which is registered or recorded in the office of the Registrar-General.
- 4** It is not necessary for a plan referred to in item 3 to define precisely the site of an easement intended to be created in respect of an existing tunnel, pipe, conduit, wire or other similar object which is underground, or is within or beneath an existing building, so long as the plan shows the approximate position of the easement.
- 5** If mines or minerals constitute the part of the land comprised in the folio of the Register or current lease to which the claim of the caveator relates, it is sufficient to specify or describe the mines or minerals concerned.

### **Schedule 5 Requirements for plans annexed to or endorsed on dealings (other than leases of premises) or caveats**

(Clause 9)

- 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 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 "m<sup>2</sup>",
  - (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 "km<sup>2</sup>".
- 7** There must be a statement on each sheet of the reduction ratio at which the plan is drawn.
- 8** 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.
- 9** A plan may be altered only by striking through the matter to be altered. 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. 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.
- 10** If lodged as an annexure, a plan must be neatly and clearly drawn without colour or edging.
- 11** Each plan sheet must consist of paper, or some other approved medium.
- 12** A plan must be drawn on only one side of a plan sheet and must be drawn on a matt surface.
- 13** Each plan sheet must be free from blemishes and creases.
- 14** 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.
- 15** 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.
- 16** Where the original plan is not available, an annexed plan may be a reproduction prepared by means of a photographic or similar approved process and, if so prepared:

- (a) must comply with items 1-15, 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.

**17** Plans annexed to or endorsed on dealings or caveats must be compiled plans and not plans of survey except with the consent of the Registrar-General.

## **Schedule 6 Requirements for plans annexed to or endorsed on leases of premises**

(Clause 9)

- 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 "m<sup>2</sup>".
- 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** A plan may be altered only by striking through the matter to be altered. 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. 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.
- 13** Each plan sheet must consist of paper, or some other approved medium.
- 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 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** If a plan is endorsed on a lease, 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 lease.
- 18** Where the original plan is not available, an annexed plan may be a reproduction prepared by means of a photographic or similar approved process and, if so prepared:
  - (a) must comply with items 1-17, 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.
- 19** Plans annexed to or endorsed on leases must be compiled plans and not plans of survey except with the consent of the Registrar-General.