

# Strata Schemes Development Regulation 2016

[2016-659]



New South Wales

## Status Information

### Currency of version

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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**  
[Statute Law \(Miscellaneous Provisions\) Act 2018 No 25](#) (not commenced — to commence on 29.6.2018)

### 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](#).

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New South Wales

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# Strata Schemes Development Regulation 2016



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Strata Schemes Development Regulation 2016*.

### 2 Commencement

This Regulation commences on 30 November 2016 and is required to be published on the NSW legislation website.

### 3 Definitions

(1) In this Regulation:

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

**fee unit**—see Part 2 of Schedule 7.

**plan** means a plan lodged in the office of the Registrar-General for registration as a strata plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan.

**the Act** means the *Strata Schemes Development Act 2015*.

#### Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

### 4 Application of other instruments

(1) The provisions of this Regulation apply in addition to the provisions of:

(a) clause 36 of the *Conveyancing (General) Regulation 2013* or the equivalent provision of any regulation that replaces that regulation, and

(b) the *Real Property Regulation 2014* or any regulation that replaces that regulation, and

(c) the lodgment rules made under the *Real Property Act 1900*.

(2) The provisions of this Regulation prevail to the extent of any inconsistency between those provisions and the provisions referred to in subclause (1).

**Note—**

This Regulation includes provisions concerning plans for land the subject of a strata scheme. All such land is under the provisions of the *Real Property Act 1900*. That Act, and the regulations under that Act, include provisions concerning the preparation and lodgment of dealings for such land (including provisions requiring the payment of fees).

## **Part 2 Plans, administration sheets and unit entitlements**

### **5, 6 (Repealed)**

### **7 Schedules of unit entitlement**

(1) A proposed schedule of unit entitlement in respect of a strata scheme must set out in a column each lot number in the scheme (or if the proposed schedule of unit entitlement relates to the subdivision of a development lot under section 14 of the Act—each lot number to be created by the subdivision) in numerical sequence with the unit entitlement for each lot set out opposite the lot number in a second column with the aggregate unit entitlement at the foot of that second column.

(2) If successively numbered lots have the same unit entitlement they may be grouped together in an abbreviated form.

(3) For the purposes of the definition of **market value basis** in Schedule 2 to the Act, the basis for determining the value of a lot or development lot is to estimate the amount for which the lot or development lot would be sold by a willing but not anxious seller to a willing but not anxious buyer.

(4) **Valuation day** means:

(a) for the purposes of clause 2 or 4 of Schedule 2 to the Act, a day that is not more than 2 months before the day on which an application is made under Part 4 of the Act for a strata certificate in relation to the relevant strata plan or strata plan of subdivision, or

(b) for the purposes of clause 5 of Schedule 2 to the Act, the day nominated as the valuation day in the original schedule of unit entitlement that accompanied the strata plan.

## **8 Numbering of lots**

- (1) Each lot in a strata plan must be numbered consecutively in whole numbers without gaps and starting from 1.
- (2) Each lot in a strata plan of subdivision or a strata plan of consolidation must be numbered consecutively in whole numbers without gaps and starting from the number that is 1 greater than the highest number of any existing lot in the strata scheme.
- (3) A building alteration plan must not renumber any lot.

## **9 Strata plans of consolidation**

A strata plan of consolidation must include a floor plan.

## **10 Strata plans of subdivision**

- (1) A strata plan of subdivision must be accompanied by one of the following if land comprised in the plan is owned by the original owner:
  - (a) a certificate by the owners corporation in the approved form certifying that the initial period has expired,
  - (b) the relevant order under section 27 of the *Strata Schemes Management Act 2015* that authorised the registration of the plan.
- (2) Subclause (1) does not apply if the original owner owns all the lots in the strata scheme.

## **11 Building alteration plans**

A building alteration plan must include a floor plan and, if the Registrar-General so requires, a location plan.

# **Part 3 Staged development**

## **12 Strata development contracts**

- (1) A strata development contract must deal separately with each of the following matters in relation to each stage of the development and must specify whether the matter is warranted development or an authorised proposal:
  - (a) the types of buildings proposed, the proposed uses of the lots in the buildings, the proposed building style and the proposed height and density of the buildings,
  - (b) proposed common property amenities (if any),
  - (c) the number of lots proposed or, if the number of lots is identified in the contract as “authorised proposals—proposed development not subject to a warranty”, the maximum number of lots,

- (d) details of access and construction zones and accompanying rights over common property and development lots and parking on lots and common property during the development,
- (e) landscaping,
- (f) building materials and finishes,
- (g) details of any vertical staging, and of the insurance cover that applies to any such staging,
- (h) the manner in which the developer's liability for expenses relating to the use or maintenance of common property in the strata scheme is to be determined,

**Note—**

Section 78 of the Act permits these expenses to be apportioned differently from the way that liability would otherwise be apportioned by the schedule of unit entitlement for the scheme.

- (i) details of any by-laws, management agreements, covenants, easements or dedications that will be created or entered into.
- (2) Authorised proposals and warranted development should be listed and dealt with separately in the strata development contract.

**13 Execution by developer on behalf of owners corporation**

- (1) A dealing, plan or other instrument executed by a developer on behalf of an owners corporation under section 87 (3) of the Act must be executed in an approved form.
- (2) The developer must provide the Registrar-General with a statutory declaration signed by the developer (or other person authorised by the developer) that sets out the circumstances in which the dealing, plan or other instrument was approved by the owners corporation.

**14 Notices relating to development concerns**

Each of the following, to the extent that it deals with a motion relating to a development concern, must identify the motion as such and refer to sections 87 and 88 of the Act:

- (a) a notice served on the secretary of an owners corporation (or another officer of the owners corporation in the absence of the secretary) requiring inclusion of the motion in the agenda of the next general meeting of the owners corporation,
- (b) a notice served on the secretary of an owners corporation (or another officer of the owners corporation in the absence of the secretary) requiring the convening of a general meeting to consider the motion,
- (c) a requisition served on the secretary of an owners corporation (or another officer of the owners corporation in the absence of the secretary) requiring a meeting of the

strata committee to be convened to consider the motion,

- (d) a notice of a meeting of the owners corporation or its strata committee at which the motion is to be considered.

## **15 Insurance for vertical staged development**

- (1) For the purposes of clause 8 (c) of Schedule 3 to the Act, a policy of indemnity must indemnify the developer against at least the following:
  - (a) contract works claims up to a value at least equivalent to the cover provided by the damage policy maintained by the owners corporation under sections 160, 161 and 162 of the *Strata Schemes Management Act 2015*, subject only to such deductibles, exclusions and other terms and conditions as are reasonable and appropriate for contract works insurance,
  - (b) public liability claims up to a value of at least \$20,000,000, subject only to such deductibles, exclusions and other terms and conditions as are reasonable and appropriate for public liability insurance.
- (2) This clause does not affect any obligation of a developer to effect and maintain insurance required by or under any other law, such as the *Workers Compensation Act 1987* or the *Workplace Injury Management and Workers Compensation Act 1998*.

- (3) In this clause:

**contract works claim** means a claim for accidental damage to buildings and works for the time being forming part of the parcel (including buildings erected and works carried out under the strata development contract), arising out of or resulting from the carrying out of the permitted development.

**public liability claim** means a claim for damages because of death, personal injury or damage to property for which the developer is liable as an occupier of the parcel.

## **Part 4 Certification**

### **16 Notice of proposed strata plan of subdivision given by local council**

A notice given by a local council under section 55 (1) of the Act must be in an approved form and be accompanied by a copy of the proposed strata plan of subdivision.

### **17 Inspection required prior to issuing a strata certificate**

- (1) A local council or accredited certifier must not issue a strata certificate in respect of a proposed strata plan or a proposed strata plan of subdivision unless the council or certifier has inspected each building containing a proposed lot to which the plan relates and any common property outside of each of those buildings and is satisfied that:



- (a) the floors, external walls and ceilings depicted in the plan correspond to those of the building as constructed, and
  - (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the plans and specifications that accompanied the construction certificate for the building, and
  - (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.
- (2) The inspection may take place after all construction works on the building are complete or substantially complete.

#### **18 Accredited certifier strata certificates**

- (1) An accredited certifier must within 7 days after issuing a strata certificate send a copy of the strata certificate and the associated documents (within the meaning of clause 19) to the planning authority that granted the relevant planning approval and to the local council (if the local council is not the planning authority).
- (2) Clause 8 (Record keeping by accredited certifiers) of the *Building Professionals Regulation 2007* applies (as a requirement of this Regulation) in respect of strata certificates and applications for strata certificates in the same way as it applies in respect of certificates and applications for certificates referred to in that clause.

#### **19 Records to be kept by local councils in respect of strata certificates**

- (1) In this clause:

**associated documents**, in respect of a strata certificate, means:

- (a) the proposed strata plan, strata plan of subdivision or notice of conversion to which the strata certificate relates, and
- (b) any other related documents submitted by the applicant for the strata certificate in connection with the application.

**relevant strata certificate**, in respect of a local council, means a strata certificate:

- (a) issued by the council under section 54, 55 or 56 of the Act, or
  - (b) issued by an accredited certifier under section 58, 59 or 60 of the Act in relation to a building or proposed building within the area of the council.
- (2) A local council must keep (as part of the register kept by the council under clause 264 or 265 of the *Environmental Planning and Assessment Regulation 2000*) a record of the date of issue of each relevant strata certificate.

- (3) A local council must keep, for each relevant strata certificate, a copy of the strata certificate and the associated documents and must make these available for inspection at its principal office, free of charge, during its ordinary office hours. A copy of any such document may be made on payment of a reasonable copying charge set by the council.

## **20 Certificates given by owners corporation**

- (1) A certificate given by an owners corporation under any of the following provisions must be in an approved form:
  - (a) section 26 (2) (c), 36 (2), 55 (3) or (5) (a), 56 (1) (a), 59 (b) or (c) or 60 (b) of the Act,
  - (b) clause 4 (c) of Schedule 2 to the Act.
- (2) For the purpose of identification, a plan in respect of which a certificate is given under section 55 (3) of the Act must be signed by each person who attested the affixing of the seal of the owners corporation on the certificate.

## **21 Category 1 fire safety provisions**

For the purposes of section 57 of the Act, the following performance requirements of the *Building Code of Australia* are prescribed as **Category 1 fire safety provisions**:

- (a) EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of that Code,
- (b) P2.3.2 (Fire detection and early warning) in Volume Two of that Code.

## **Part 5 Lodgment**

### **22, 23 (Repealed)**

### **24 Lodgment of consolidated by-laws**

- (1) For the purposes of recording in the folio for common property in a strata scheme particulars of any change in the by-laws for the scheme, a change in the by-laws is to be lodged in the form of a consolidated version of the by-laws that incorporates the change.
- (2) Relevant model by-laws must be included in any consolidated version.
- (3) The Registrar-General may permit a change in the by-laws for a strata scheme to be lodged separately and not in a consolidated version if:
  - (a) the Registrar-General is satisfied that it would be too onerous for a consolidated version to be lodged, and
  - (b) there are no more than 5 such separate changes recorded on the folio.

## 25 Periods for retention of lodged documents

- (1) For the purposes of paragraph (b) of the definition of **written demand** in section 196 (2) of the Act, the period prescribed is the period of 7 years commencing with the day on which the plan or other document was lodged.
- (2) For the purposes of paragraph (c) of the definition of **written demand** in section 196 (2) of the Act, the period prescribed is the period of 7 years commencing with the day on which the plan or other document was registered or recorded.

## Part 6 Strata renewal

### 26 Definition

In this Part:

**highest and best use** in respect of land means the lawful, physically possible and financially feasible use that maximises the value of the land.

### 27 Compensation value

For the purposes of paragraph (a) of the definition of **compensation value** in section 154 of the Act, the determination of compensation under section 55 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) is modified as follows:

- (a) sections 56 (1) (b) and (2) and 62–65 of that Act are taken not to apply in respect of that section,
- (b) any references in that Act to “acquisition”, “compulsory acquisition” or “the public purpose for which the land was acquired” are taken, for the purposes of that section, to be references to the strata renewal proposal,
- (c) the buyer and seller referred to in section 56 of that Act are to be assumed to take into account the highest and best use of the land,
- (d) the matters set out in section 55 of that Act are to be valued at the following times:
  - (i) for the purposes of inclusion in a strata renewal plan—on a day that is not more than 45 days before the day on which the general meeting of the owners corporation is held under section 172 of the [Strata Schemes Development Act 2015](#) to consider the plan,
  - (ii) for the purposes of an application made under section 179 of the [Strata Schemes Development Act 2015](#) for an order to give effect to a strata renewal plan—on a day that is not more than 45 days before the day on which the application is made.

## 28 Market value

- (1) For the purposes of the definition of **market value** in section 154 of the Act, the market value of a building and its site:
  - (a) is to be determined by estimating the amount for which the building and site would be sold by a willing but not anxious seller to a willing but not anxious buyer, and
  - (b) is to be determined at the following times:
    - (i) for the purposes of inclusion in a strata renewal plan—on a day that is not more than 45 days before the day on which the general meeting of the owners corporation is held under section 172 of the Act to consider the plan,
    - (ii) for the purposes of an application made under section 179 of the Act for an order to give effect to a strata renewal plan—on a day that is not more than 45 days before the day on which the application is made.
- (2) For the avoidance of doubt, the buyer and seller referred to in subclause (1) (a) are to be assumed to take into account the highest and best use of the building and its site.

## 29 Returning officer

- (1) For the purposes of the definition of **returning officer** in section 154 of the Act, the returning officer for a strata renewal plan is to be appointed by a resolution of the owners corporation and is to be a person who is independent of the owners corporation and who is not any of the following:
  - (a) a lot owner in the strata scheme or a relative or associate of a lot owner,
  - (b) a member of the strata committee,
  - (c) a strata managing agent for the strata scheme or any employee of the strata managing agent,
  - (d) a person who has a pecuniary interest in the outcome of the collective sale or redevelopment proposed by the strata renewal plan or a relative or associate of such a person (but not if the pecuniary interest is only the reasonable fee for performing the functions of the returning officer and the payment of that fee has been approved by the strata committee).
- (2) In this clause, a reference to an **associate** of a person is a reference to:
  - (a) a partner, employee or agent of the person, or
  - (b) a person who is related to the person or to a person referred to in paragraph (a):
    - (i) as a spouse or de facto partner, or

**Note—**

“De facto partner” is defined in section 21C of the *Interpretation Act 1987*.

- (ii) as a child, grandchild, sibling, parent or grandparent, whether derived through subparagraph (i) or otherwise, or
- (c) a body corporate, or a member of a body corporate, partnership, trust, syndicate or joint venture, in which the person or a person referred to in paragraph (a) or (b) has a beneficial interest, or
- (d) if the person is a body corporate:
  - (i) a related body corporate within the meaning of the *Corporations Act 2001* of the Commonwealth, or
  - (ii) an officer (within the meaning of that Act) of the body corporate or a related body corporate.

**30 Strata renewal proposal**

- (1) For the purposes of section 156 (2) of the Act, a strata renewal proposal must include the following:
  - (a) the warning notice set out in subclause (2),
  - (b) the name and address of the person giving the proposal (the **proponent**),
  - (c) details of the financial interests (if any) that the proponent has in any of the lots in the strata scheme,
  - (d) a general description of the proposal and the purpose of the proposal,
  - (e) how the proposal will be funded,
  - (f) an estimate of the total cost (including application fees and legal fees) of obtaining an order from the court to give effect to the strata renewal plan,
  - (g) whether the proponent will provide any monetary contributions (whether initial or continuing) towards the reasonable costs and expenses incurred by the strata renewal committee or owners corporation in relation to the following:
    - (i) preparing a strata renewal plan,
    - (ii) obtaining specialist consultant reports,
    - (iii) obtaining an order from the court to give effect to the plan,
  - (h) if the proponent is to provide any monetary contributions, what (if any) security (such as cash, bond, bank guarantee) will be provided,

- (i) the potential (if any) for owners to buy back into the development following the collective sale or redevelopment,
  - (j) if the proposal is for a collective sale of the strata scheme:
    - (i) an indicative sale price and an explanation of how that price was determined and the distribution of that sale price on current unit entitlements, and
    - (ii) the proposed timetable for the collective sale, including a proposed completion date and the proposed date by which owners will be required to vacate premises forming part of the scheme,
  - (k) if the proposal is for the redevelopment of the strata scheme:
    - (i) details of the proposed terms of settlement that are to be offered to each lot owner, and
    - (ii) how the redevelopment will be funded by the proponent, and
    - (iii) details of any planning approvals and other authorisations that would be required before the redevelopment can start and how and when the proponent intends to obtain those approvals and authorisations and whether they will be obtained before an application is to be made to the court for an order to give effect to the strata renewal plan, and
    - (iv) the proposed timetable for the development, including an estimate of the period from the start of the redevelopment to its completion, and
    - (v) the estimated date on which owners must provide vacant possession to the proponent.
- (2) The warning notice required by subclause (1) (a) is to be to the effect of the following, being a notice on the front of the proposal that is legibly printed, in bold type, with the words shown in capital letters in the heading being at least 14 point, and the rest of the notice printed in letters at least 10 point:

**IMPORTANT NOTICE TO OWNERS IN STRATA PLAN [*insert plan number*]**

This renewal proposal may have significant legal, financial and taxation consequences for you. It may also impact on the rights of your tenants, mortgagees, covenant chargees or caveators which may in turn have impacts on you. You should ensure that you understand your rights and obligations and how this proposal will affect you.

**31 Notice of decision to establish strata renewal committee**

A written notice of the decision to establish a strata renewal committee that is required by section 162 of the Act to be given to the owner of each lot in the strata scheme must contain the information and be in the form set out in Schedule 6 and may contain any other relevant information as the secretary of the strata committee sees fit.

### 32 Costs and expenses deducted from sale price

For the purposes of section 170 (1) (c) (v) of the Act, the exact amount of all costs and expenses to be deducted from the sale price must be included in a strata renewal plan for the collective sale of a strata scheme, or if the exact amount of a cost or expense is not known, an estimate of the amount and a detailed explanation as to how that estimate has been determined.

### 33 Content of strata renewal plan

For the purposes of section 170 (1) (e) of the Act, the following information must be included in a strata renewal plan:

- (a) particulars of any estates or interests (whether registered or unregistered), or any caveats or priority notices, that affect a lot or common property in the scheme to which the plan relates,
- (b) details of all current unit entitlements,
- (c) a report of an independent valuer that includes details of the market value of the whole building and its site (at its highest and best use) and details of the compensation value of each lot,
- (d) if the strata renewal plan is for a redevelopment of the strata scheme, details of the proposed completion day for the purchase of each dissenting owner's lot and, if it is proposed that a dissenting owner will receive a payment for the lot on a day other than the completion day, the proposed day on which any such payment is proposed to be made.

### 34 Copy of strata renewal plan given to owners

(1) For the purposes of section 173 (2) of the Act, the following information and documents must accompany the copy of a strata renewal plan given to owners:

- (a) a strata renewal information sheet in the approved form,
- (b) the approved form of a support notice,
- (c) details of the returning officer's address for service of a support notice.

(2) In this clause, **support notice** has the same meaning as in section 174 of the Act.

### 35 Application for an order

For the purposes of section 179 (1) (g) of the Act, an application for an order to give effect to a strata renewal plan must include particulars of any estates or interests (whether registered or unregistered), or any caveats or priority notices, that affect a lot or common property in the scheme to which the plan relates.

### **36 Decision of court**

For the purposes of section 182 (1) (g) of the Act, a court must be satisfied that the effects of the strata renewal plan are just and equitable in all the circumstances despite any difference between a valuation contained in the plan and any valuation that accompanied the application for an order to give effect to the plan.

### **37 Court order and directions**

For the purposes of section 183 (1) (f) of the Act, a court order giving effect to a strata renewal plan for a strata scheme may include directions about the time by which any part of the plan must be initiated or completed.

## **Part 7**

### **38 (Repealed)**

### **Schedules 1-5 (Repealed)**

### **Schedule 6 Form of notice**

(Clause 31)

#### **Notice to owners about decision to establish strata renewal committee**

*Strata Schemes Development Act 2015*; section 162

#### **Establishment of strata renewal committee**

At a meeting of Owners—Strata Plan No [*insert strata scheme number*] held on [*insert date of meeting*] a strata renewal committee was established.

#### **Function of strata renewal committee**

The function of the strata renewal committee is to prepare a strata renewal plan for further consideration by the owners corporation and the owners.

The strata renewal plan will be based on a strata renewal proposal made by [*insert name of person who gave the strata renewal proposal to the owners corporation*].

#### **Summary of strata renewal proposal**

The strata renewal proposal was for the [*insert either "collective sale" or "redevelopment" depending on the nature of the proposal*] of strata scheme SP [*insert strata scheme number*].

The strata renewal proposal [*insert a short summary of the proposal*].

#### **Membership of strata renewal committee**

The strata renewal committee has [*insert number of members, including the chairperson*] members. The members are:

Chairperson [*insert name of chairperson and then insert the names of all the other members of the strata renewal committee*].

#### **Budget of strata renewal committee**

[*Insert details of the budget for, or any limitation on the amount that can be spent, preparing the strata renewal plan and details of how reports on expenses incurred will be circulated on a quarterly or more frequent basis*].



### **Engaging specialists**

The strata renewal committee has authority to engage specialists to provide advice on the preparation of the strata renewal plan.

OR

The strata renewal committee must seek the approval of the owners corporation before it can engage any specialist to provide advice on the preparation of the strata renewal plan.

*[Delete whichever is not applicable].*

### **Period of operation of strata renewal committee**

The strata renewal committee can exercise its functions for 1 year from the date on which it was established, unless the owners corporation resolves to dissolve the committee earlier. The owners corporation may extend the 1 year period of operation by passing a special resolution.

### **Minutes of meetings of strata renewal committee**

The strata renewal committee must keep minutes of its meetings. A copy of the minutes can be obtained from the secretary of the owners corporation *[insert “and will be placed on the owners corporation notice board” if there is an owners corporation notice board]*.

### **Further information**

For further information please contact *[insert the name and contact information for a person (such as the chairperson) who can provide information about the strata renewal committee and the preparation of the strata renewal plan]*.

## **Schedule 7 Fees**

### **Note—**

Section 3B (2) of the [Real Property Act 1900](#) provides that a fee prescribed under that Act or any other Act for or in respect of the exercise of a titling and registry function is, when the function is exercised by the authorised operator, the maximum fee that is payable and the authorised operator can accept a lesser fee for or in respect of the exercise of the function.

## **Part 1 Fees payable during 2017/2018 financial year**

- 1 The fees specified by this Part are exclusive of GST. GST may be added to any such fee to the extent that the fee is consideration for a taxable supply (within the meaning of the [A New Tax System \(Goods and Services Tax\) Act 1999](#) of the Commonwealth).

<b>Matter for which fee is payable</b>	<b>Fees (in fee units)</b>
<b>Plans and associated instruments</b>	
1 On lodgment of a plan for registration:	
(a) for lodgment of the plan, and	2.6570
(b) for each lot shown on the plan (excluding the first lot), and	2.6570
(c) for the preparation and supply of a certificate of title for common property in a strata scheme, and	2.6570

	(d) if the plan is accompanied by a copy of the proposed by-laws for the strata scheme, and	3.4254
	(e) if the plan is accompanied by a section 88B instrument—for each affecting interest to be created, irrespective of the number of lots burdened or benefited, and	1.2618
	(f) if the plan is accompanied by a section 88B instrument—for each easement to be released, irrespective of the number of lots burdened or benefited, and	1.2618
	(g) if the plan is a strata plan of consolidation—for each folio of the Register to be consolidated	1.2618
2	On lodgment of a strata management statement	3.4254
3	On lodgment for registration of a strata development contract	3.4254
4	On lodgment of a substituted plan or any sheet of such a plan	1.2618
5	On lodgment of an application to amend a plan:	
	(a) for lodgment of the application, and	1.2618
	(b) if the application involves the amendment of a certificate of title or folio of the Register:	
	(i) for the first certificate or folio, and	1.2618
	(ii) for each certificate or folio after the first	0.1296
6	For examining a plan before lodgment—for each lot shown on the plan	2.9227
<b>Dealings, applications and requests</b>		
7	On lodgment of a notification of change of by-laws	1.2655
8	On lodgment of a notice of conversion	1.2655
9	On lodgment of a notification of change of address for service of notices on an owners corporation	1.2655
10	On lodgment of an order varying a strata scheme	1.2655
11	On lodgment of an application for an order terminating a strata scheme	1.2655
12	On lodgment of an order terminating a strata scheme	1.2655
13	On lodgment of a certificate given by an owners corporation pursuant to clause 10 (1) (a) of this Regulation	1.2655
14	On lodgment for registration of an amendment to a strata development contract	1.2655

15 On lodgment of any document not otherwise referred to in this Schedule 1.2655

**Digital images**

16 For supplying a digital image (other than a certified copy) of a document or part of a document in the custody of the Registrar-General to any person attending an office:

(a) for supplying the document, and 0.1296

(b) if the document is a copy of a registered plan or part of a registered plan—for copyright purposes See clause 6

17 For supplying a digital image (other than a certified copy) of a document or part of a document in the custody of the Registrar-General by electronic means:

(a) for supplying the document, and 0.0867

(b) if the document is a copy of a registered plan or part of a registered plan—for copyright purposes See clause 6

**Requisition sent by Registrar-General**

18 For a requisition sent (on or after 1 January 2017) by the Registrar-General requiring correction, re-execution or the supply of additional information in support of:

(a) a plan or associated instrument lodged for registration or recording, or 0.9258

(b) a dealing, application or request lodged for registration or recording 0.4629

**2 Lodgment of a section 88B instrument in substitution for other instrument**

The fee on lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument is the fee that would be appropriate to the instrument as an original lodgment fee.

**3 Time for payment of fee**

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.

**Part 2 Adjustment of fees for inflation**

**4 Definitions**

In this Part:

**CPI number** means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

**financial year** means a period of 12 months commencing on 1 July.

## 5 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a **fee unit** is:

- (a) in the financial year 2017/2018—\$100, and
- (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

**A** is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

**B** is the CPI number for the March quarter of 2017.

- (2) The amount of a fee unit and the amount of a fee calculated by reference to a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

### Editorial note—

Fee unit amount calculated under this clause:

<b>Financial year</b>	<b>Fee unit amount</b>
2018-19	\$102.07

## 6 Adjustment of fees relating to copyright

- (1) The fee amount that is to apply for the 2017/2018 financial year in relation to the fee described in:
  - (a) item 16 (b) of Part 1 is \$0.94, and
  - (b) item 17 (b) of Part 1 is \$1.14.
- (2) The fee amount for those fees that is to apply for a financial year subsequent to the 2017/2018 financial year is the amount calculated in accordance with the formulae set out in Schedule A to the Order made by the Copyright Tribunal of Australia on 28 October 2013 in the matter of *Copyright Agency Limited v State of New South Wales*

(a copy of which is published on the website of the Office of the Registrar General).

## **7 Notice of indexed fees**

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Registrar-General is required to publish on the NSW legislation website a notice of the amount of the fee unit for the next financial year. That notice may be published by the addition of an editorial note relating to the amount of the fee unit in the in force version of this Regulation published on the NSW legislation website.
- (2) The Registrar-General is also required to give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of fee unit calculated or the operation of clause 6 (2) under this Part.
- (3) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the publication of a notice by the Registrar-General under this clause.

## **Schedule 8 Amendment of Act**

### **Schedule 8 Savings, transitional and other provisions**

Insert after clause 7:

#### **7A Schedules of unit entitlement**

A schedule of unit entitlement is taken to comply with this Act if:

- (a) it was prepared under and in accordance with a former Act before the repeal day, and
- (b) it relates to a strata plan or a strata plan of subdivision for which a strata certificate was issued before the repeal day.