



New South Wales

Strata Schemes (Freehold Development) Amendment (e-plan) Regulation 2002

under the

Strata Schemes (Freehold Development) Act 1973

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes (Freehold Development) Act 1973*.

KIM YEADON, M.P.,
Minister for Information Technology

Explanatory note

The object of this Regulation is to amend the *Strata Schemes (Freehold Development) Regulation 1997* to accommodate the electronic lodging of plans and other accompanying documents concerned with freehold strata schemes. The Regulation allows certificates and signatures to be provided on a signatures form instead of on plans and modifies current requirements that assume plans and accompanying documents will be lodged by hand.

The originals of documents lodged in electronic form will be required to be retained for at least 12 months unless the Registrar-General agrees to a shorter period.

This regulation is made under the *Strata Schemes (Freehold Development) Act 1973*, in particular, sections 49 (2) and 158 of that Act (the general regulation-making power).

Strata Schemes (Freehold Development) Amendment (e-plan) Regulation 2002

under the

Strata Schemes (Freehold Development) Act 1973

1 Name of Regulation

This Regulation is the *Strata Schemes (Freehold Development) Amendment (e-plan) Regulation 2002*.

2 Commencement

This Regulation commences on 19 August 2002.

3 Amendment of Strata Schemes (Freehold Development) Regulation 1997

The *Strata Schemes (Freehold Development) Regulation 1997* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order:

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

[2] Clause 5 Application of other instruments

Omit “Schedule 5 to, the *Conveyancing (General) Regulation 1992*” from clause 5 (1) (a).

Insert instead “Schedules 4 and 4A to, the *Conveyancing (General) Regulation 1998*”.

[3] Clauses 6 (3) and 8 (5)

Insert “or Schedule 1A” after “Schedule 1” wherever occurring.

[4] Clause 9 Strata plans: section 8

Insert after clause 9 (3):

(3A) However, certificates and signatures are not required to appear on a strata plan if they are provided on a signatures form that complies with the requirements set out in Schedule 1B.

[5] Clause 10 Strata plans of subdivision: sections 8A and 9

Insert after clause 10 (3):

(3A) However, certificates and signatures are not required to appear on a strata plan of subdivision if they are provided on a signatures form that complies with the requirements set out in Schedule 1B.

[6] Clause 11 Strata plans of consolidation: section 12

Insert after clause 11 (3):

(3A) However, certificates and signatures are not required to appear on a strata plan of consolidation if they are provided on a signatures form that complies with the requirements set out in Schedule 1B.

[7] Clause 12 Building alteration plans: section 14

Insert after clause 12 (3):

- (3A) However, certificates and signatures are not required to appear on a building alteration plan if they are provided on a signatures form that complies with the requirements set out in Schedule 1B.

[8] Clause 13 Alteration of plans lodged by hand

Insert “lodged by hand” after “a plan” wherever occurring.

[9] Clause 13 (2)

Insert at the end of clause 13:

- (2) If an alteration to a plan lodged by hand is to be made before registration of the plan and the alteration is not made by the Registrar-General under subclause (1), the alteration is to be authenticated by the plan or original signatures form being signed and dated:
 - (a) by the surveyor by whom the plan has been prepared, and
 - (b) if the alteration concerns the definition of a lot boundary or affects the proportional unit entitlement of any lot in the strata scheme, by a duly authorised officer of the local council or by the accredited certifier (as appropriate).

[10] Clause 13A

Insert after clause 13:

13A Alteration of plans lodged electronically

- (1) The Registrar-General may, at his or her discretion and after giving notice to such persons as he or she may think fit:
 - (a) before or after registration of a plan lodged electronically, direct that any lots in the plan be numbered or renumbered, and
 - (b) before registration of a plan lodged electronically, direct that anything omitted from the plan be added to the plan or that any obvious error in the plan be corrected, and

- (c) require a replacement plan in a Tagged Image File Format (TIFF) approved by the Registrar-General be submitted showing alterations in accordance with any directions given under paragraph (a) or (b).
- (2) If the alteration is to be made before registration of the plan and either concerns the definition of a lot boundary or affects the proportional unit entitlement of any lot in the strata scheme:
 - (a) the original signatures form is to be endorsed with a statement identifying the alteration, and
 - (b) the endorsed signatures form is to be re-signed by a duly authorised officer of the local council or by an accredited certifier (as appropriate), and
 - (c) a new image of the endorsed and re-signed signatures form is to be created and lodged with the Registrar-General.

[11] Clause 15 Execution by developer on behalf of body corporate

Omit clause 15 (b). Insert instead:

- (b) a statutory declaration in the approved form must be lodged by hand in conjunction with the dealing, plan or other instrument, whether or not any of those instruments is lodged electronically.

[12] Part 4A

Insert after clause 17:

Part 4A Signatures form

Note. If a plan is lodged by hand but the signatures and consents required are not endorsed on the plan, or a plan is lodged electronically, the signatures and consents required must be endorsed on the form approved by the Registrar-General for signatures (the **signatures form**) and that form must be lodged in the same way as the plan. (See sections 16 (2A) and 27 (3A) of the Act.)

17A Content of the signatures form

- (1) The signatures form must repeat the plan heading and the surveyor's reference in the appropriate panels on each sheet of the approved form.

- (2) The signatures form must contain all certificates required by the Registrar-General, endorsed in the appropriate panels on the approved form.

17B Signatures form to comply with Schedule 1B or Schedules 1B and 1C requirements

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

17C Refusal to accept a signatures form

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

17D Registration of a signatures form

On registration of a plan that is accompanied by a signatures form, the signatures form is to be registered in the register of plans referred to in the *Conveyancing (General) Regulation 1998*.

[13] Clause 19 Indication of creation of easement

Omit clause 19 (3). Insert instead:

- (3) The plan must be accompanied by a section 88B instrument in the approved form that complies with Division 3 of Part 3 of, and the requirements set out in Schedule 4 to, the *Conveyancing (General) Regulation 1998* and is lodged in the same manner as the plan. If the instrument is lodged electronically, the requirements set out in Schedule 4A to that Regulation must also be complied with.

[14] Clause 20 Indication of release of easement

Omit clause 20 (2). Insert instead:

- (2) The plan must be accompanied by a section 88B instrument in the approved form that complies with Division 3 of Part 3 of, and the requirements set out in Schedule 4 to, the *Conveyancing (General) Regulation 1998* and is lodged in the same manner as the plan. If the instrument is lodged electronically, the requirements set out in Schedule 4A to that Regulation must also be complied with.

[15] Clauses 21, 21A and 21B

Omit clause 21. Insert instead:

21 Lodgment of plans by hand

- (1) A person lodging a plan by hand for registration at the office of the Registrar-General must produce the plan at that office in such manner as may be approved by the Registrar-General.
- (2) The original plan must be accompanied by:
 - (a) a completed plan lodgment form in the approved form, and
 - (b) one print of each sheet of the plan (each sheet being a positive reproduction on a light background), and
 - (c) completed plan checklists in the approved form, if required by the Registrar-General, and
 - (d) a signatures form, if adopted, as set out in Schedule 1B.
- (3) If the Registrar-General so requires, a plan must also be accompanied by:
 - (a) in the case of a strata plan, the certificate of title or Crown grant for the land comprising the parcel, and
 - (b) in the case of a strata plan of subdivision or a strata plan of consolidation, the certificates of title for the land comprised in the plan and for the common property comprised in the strata scheme, and
 - (c) in the case of a building alteration plan, the certificate of title for the common property comprised in the strata scheme.

- (4) The Registrar-General will not require a plan to be accompanied by a certificate of title or Crown grant if evidence is furnished to his or her satisfaction that the certificate of title or Crown grant is in his or her custody, and that he or she has authority to use that instrument in connection with registration of the plan, or that notice has been served under section 15 (1) (d) of the Act.
- (5) If an original of a plan bears evidence of a strata certificate, the print of each sheet of the plan referred to in subclause (2) (b) must contain particulars of that certificate under the original signature of the duly authorised officer of the council or of the accredited certifier (as appropriate) who gave that certificate.

21A Lodgment of plans electronically

- (1) An authorised person lodging a plan electronically for registration in the office of the Registrar-General must lodge the plan in accordance with the e-plan system or otherwise with the consent of the Registrar-General.
- (2) Plan lodgment details must be provided in the manner required by the Registrar-General. The plan must comply with the requirements set out in Schedule 1A and be lodged in accordance with the relevant requirements of that Schedule.
- (3) The plan file must be accompanied by files comprising:
 - (a) a completed approved form for signatures and such instruments and data files as the Registrar-General may require, and
 - (b) completed plan checklists in the approved form, if required by the Registrar-General.
- (4) The following original documents must be lodged by hand at the office of the Registrar-General, and may not be lodged electronically:
 - (a) in the case of a strata plan, the certificate of title or Crown grant for the land comprising the parcel,
 - (b) in the case of a strata plan of subdivision or a strata plan of consolidation, the certificates of title for the land comprised in the plan and for the common property comprised in the strata scheme,

- (c) in the case of a building alteration plan, the certificate of title for the common property comprised in the strata scheme,
- (d) such consents in writing to the registration of the plan signed by a lessee, caveator, judgment creditor or other person, as may be required by the Registrar General,
- (e) such other certificates of title, office copies of court orders, powers of attorney, statutory declarations and other original documents as may be required by the Registrar-General.

(5) The Registrar-General will not require a certificate of title or Crown grant to be lodged if evidence is furnished to his or her satisfaction that the certificate of title or Crown grant is in his or her custody, and that he or she has authority to use that instrument in connection with registration of the plan, or that notice has been served under section 15 (1) (d) of the Act.

21B Lodgment of other documents electronically

Where a strata plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan that the Registrar-General permits to be lodged electronically is accompanied by other documents, those documents must also be lodged electronically and comply with the requirements as set out in Schedule 1D except those documents referred to in clause 21A (4).

[16] Clause 25A

Insert after clause 25:

25A Periods for retention of documents: section 49

For the purposes of section 49 (2) (c) of the Act, the period prescribed is the period of 12 months commencing with the day on which the plan or other document was registered or recorded.

[17] Schedule 1

Omit the heading. Insert instead:

Schedule 1 Requirements for plans lodged by hand

(Clauses 6, 8 and 21)

[18] Schedule 1, clause 8 (5)

Insert “, except where the signature or seal is provided on a signatures form that complies with the requirements set out in Schedule 1B” at the end of the subclause.

[19] Schedules 1A, 1B, 1C and 1D

Insert after Schedule 1:

Schedule 1A Requirements for plans lodged electronically

(Clauses 6, 8 and 21A)

1 File type in which plan to be created

- (1) Each plan sheet must be created in a Tagged Image File Format (TIFF) approved by the Registrar-General.
- (2) Each image must be created to the following specifications:
 - (a) **Size**—true to the approved form size (standard A3),
 - (b) **Colour**—must be black and white (monochrome),
 - (c) **Resolution**—200 dots per inch (dpi),
 - (d) **Compression**—CCITT Group 4.
- (3) A plan comprising more than one sheet must be created as a multipage file.

2 Plan sheet dimensions

Each plan sheet must have external dimensions of 420 millimetres in width by 297 millimetres in length (standard A3 size).

3 Margins

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

4 Lettering

- (1) Unless the Register-General otherwise approves, all words must be in the English language, and all letters, figures and symbols appearing on a plan must be in a font 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 otherwise allows, all symbols must be letters.

5 Use of colouring and edging prohibited

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

6 Clarity of detail

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

7 Alterations

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

8 Information to be included on plan sheets

- (1) Each plan sheet in a series of plan sheets must be numbered consecutively as part of the series (for example, the first and second sheets in a plan that is made up of 5 sheets must be numbered “Sheet 1 of 5 sheets” and “Sheet 2 of 5 sheets”, respectively).
- (2) Each sheet of a location plan or floor plan must contain a north point (directed upwards).
- (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.

9 Linear dimensions

- (1) Linear measurements must be expressed in metres, without rounding or any accompanying symbol.
- (2) If a length of less than one metre is shown, the decimal point must be preceded by the numeral “0”.

10 Area dimensions

- (1) Area measurements must be expressed as follows:
 - (a) areas of less than one hectare must be expressed in square metres, accompanied by the symbol “m²”,
 - (b) areas of one hectare or more must be expressed in hectares (using not more than 4 significant figures), accompanied by the symbol “ha”,
 - (c) areas of 10,000 hectares or more must be expressed in square kilometres, accompanied by the symbol “km²”.
- (2) The total area of a lot:
 - (a) must be shown within or related to the most significant part of the lot, and
 - (b) must be the exact mathematical total of all areas shown on the plan as within 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 may be shown as such on a floor plan.

12 Reduction ratio

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

13 Identification of new or proposed easements, profits à prendre, restrictions and positive covenants

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

- (a) any easement, profit à prendre, restriction or positive covenant that is intended to be created as a consequence of the registration of the plan and that affects common property not within a building, 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 easement (other than an easement referred to in paragraph (a) or (b)), profit à prendre, restriction or positive covenant, or proposed variation or partial release of an easement or profit à prendre, that affects common property not within a building,

and, where necessary, contain sufficient information to indicate the relationship of any such easement, profit à prendre, restriction or positive covenant to the boundaries of any affected parcel or lot.

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

- (a) any easement, profit à prendre, restriction or positive covenant 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.

(3) 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 the location plan or floor plan (as the case may be) the approximate position of the easement.

14 Identification of existing easements, profits à prendre, restrictions and positive covenants on location plans

(1) A location plan must:

- (a) contain sufficient information to define the site, nature and origin of any existing easement, profit à prendre, restriction or positive covenant affecting a parcel, and
- (b) wherever possible, show the relationship of the easement, profit à prendre, restriction or positive covenant to the boundaries of the parcel.

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

(3) 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.

(4) In this clause:

origin, in relation to an existing easement, means the Gazette reference or registration number of the instrument or plan by which the easement was granted, reserved, notified or otherwise created.

15 Signatures not to appear

No signatures or seals will appear on the plan drawing sheets.
Note. All signatures and seals must be shown on the signatures form.

Schedule 1B Requirements for signatures form

(Clause 17B (1))

Note. When a signatures form is adopted, all signatures and seals must be shown on the form. No signatures or seals will appear on the plan drawing sheets, except as provided in clause 21 (5). The completed signatures form must be lodged with and in the same manner as the plan.

1 Use of approved form

- (1) A signature form must be in the approved form.
- (2) Any signatures, seals or certificates that cannot satisfactorily be shown on one sheet may be shown on one or more additional sheets in the approved form.

2 Paper

The paper used must be:

- (a) white and free from discolouration and blemishes, and
- (b) not less than 80 grams per square metre, and
- (c) 297 millimetres in length by 210 millimetres in width (standard A4), or such other paper as may be approved by the Registrar-General.

3 Margins

- (1) The sheets used must have clear margins of not less than 10 millimetres on each side and top and bottom.
- (2) Typewriting, printing, writing or seals (other than directions or notations authorised by the Registrar-General) must not extend into a margin.

4 Lettering

- (1) The text of a signatures form must be clearly printed or written:
 - (a) across the width of each panel on the sheet of paper used, and
 - (b) on one side only of each sheet.
- (2) All text must be clear and legible and in dense black ink or dense dark blue ink. The lines must not overlap. A carbon copy, or a copy in which the typewritten characters blur or

spread or are liable to mark or damage an adjacent sheet, will not be accepted.

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

5 Alterations

(1) Alterations must be made by striking through the matter intended to be altered and not by rubbing, scraping or cutting the surface of the paper or by using correction fluid.

(2) Signatures or initials noticing alterations by interlineation or the striking through of matter must be placed in the margin as near as practicable to the alteration.

6 Information to be included on multiple sheets

If the signatures form comprises more than one sheet:

(a) each sheet other than the first sheet must repeat the heading on the first sheet, the strata certificate number and date of endorsement and the surveyors reference, and

(b) each sheet must be numbered sequentially in the top right hand corner of each sheet as “Sheet of sheets”.

Schedule 1C Requirements for lodging signatures form electronically

(Clause 17B (2))

1 File type in which image of document to be created

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

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

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

2 Multiple sheets

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

3 Lodging procedure

- (1) The TIFF image of the completed signatures form will be lodged electronically together with the TIFF image of the plan.
- (2) The standard of the electronic file received by the Registrar-General must be acceptable to the Registrar-General.

Note. The completed paper signatures form, bearing original signatures and seals, must be retained by the lodging party for a period of at least 12 months following the date of registration of the plan.

Schedule 1D Requirements for lodging other documents electronically

(Clause 21B)

1 File type in which image of document to be created

- (1) Where a document other than a signatures form is required to be lodged electronically with a plan, such as:
 - (a) a strata development contract, or
 - (b) a strata management statement, or
 - (c) by-laws, or
 - (d) any other documents required by the Registrar-General,each sheet of the completed paper document will be scanned by the lodging party and an image created in a Tagged Image File Format (TIFF) approved by the Registrar-General.
- (2) Each image must be created to the following specifications:
 - (a) **Size**—true to the approved form size (standard A4),
 - (b) **Colour**—must be black and white (monochrome),
 - (c) **Resolution**—200 dots per inch (dpi),
 - (d) **Compression**—CCITT Group 4.

2 Multiple sheets

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

3 Lodging procedure

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

Note. The completed paper document, bearing original signatures and seals, must be retained by the lodging party for a period of at least 12 months following the date of registration of the plan.

BY AUTHORITY