



New South Wales

Strata Schemes (Freehold Development) Amendment (Strata Approvals) Regulation 2000

under the

Strata Schemes (Freehold Development) Act 1973

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

KIMBERLEY MAXWELL YEADON, M.P.,

Minister for Information Technology

Explanatory note

The object of this Regulation is to amend the *Strata Schemes (Freehold Development) Regulation 1997* as follows:

- (a) to make changes that are consequential on amendments made to the Act by the *Strata Schemes Legislation Amendment (Strata Approvals) Act 1999*, which introduces a new scheme for the issue of strata certificates by accredited certifiers as an alternative to their issue by local councils,
- (b) to provide for the duties of local councils and accredited certifiers in connection with the issue by them of strata certificates (including such matters as the keeping of records of their issue).

This Regulation is made under the *Strata Schemes (Freehold Development) Act 1973*, including sections 37C (Regulations) and 158 (the general regulation-making power).

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Clause 1 Strata Schemes (Freehold Development) Amendment (Strata Approvals) Regulation 2000

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1 Name of Regulation

This Regulation is the *Strata Schemes (Freehold Development) Amendment (Strata Approvals) Regulation 2000*.

2 Commencement

This Regulation commences on 1 June 2000.

3 Amendment of Strata Schemes (Freehold Development) Regulation 1997

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

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 9 Strata plans: section 8

Insert “or by the accredited certifier (as appropriate)” after “local council” in clause 9 (3).

[2] Clause 10 Strata plans of subdivision: sections 8A, 9

Insert “or by the accredited certifier (as appropriate)” after “local council” in clause 10 (3).

[3] Clause 21 Lodgment of plans

Omit clause 21 (5). Insert instead:

- (5) If an original of a plan referred to in subclause (2) (b) bears evidence of a strata certificate, the print of each sheet of the plan must contain particulars of that certificate under the original signature of a duly authorised officer of the council or of the accredited certifier (as appropriate).

[4] Clause 22 Alterations

Insert “or by the accredited certifier (as appropriate)” after “local council” in clause 22 (b).

[5] Clause 24 Councils' strata certificates and notices

Omit “certificate” from clause 24 (1).
Insert instead “strata certificate issued”.

[6] Clause 24 (3)–(5)

Insert after clause 24 (2):

- (3) A local council must keep (as part of the register kept by the council under clause 109A or 109B of the *Environmental Planning and Assessment Regulation 1994*) a record of the following:

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Schedule 1 Amendments

- (a) the date of issue of each strata certificate issued by the council under section 37 of the Act,
 - (b) the date of issue of each strata certificate issued by an accredited certifier under section 37A of the Act in relation to a building or proposed building within the area of the council.
- (4) A local council must keep the following documents for each strata certificate issued by it under section 37 of the Act, or by an accredited certifier under section 37A of the Act in relation to a building or proposed building within the area of the council:
- (a) a copy of the strata certificate,
 - (b) a copy of the proposed strata plan, strata plan of subdivision or notice of conversion to which the strata certificate relates,
 - (c) copies of any related documents submitted to the council by the applicant for the strata certificate in connection with the application.
- (5) A local council must make the documents kept by it under subclause (2) available for inspection at its principal office, free of charge, during the council's ordinary office hours. A copy of any such document may be made on payment of a reasonable copying charge set by the council.

[7] **Clause 24A**

Insert after clause 24:

24A Accredited certifier certificates

- (1) A strata certificate issued by an accredited certifier under section 37A of the Act must be in the approved form.
- (2) An accredited certifier must within 7 days after issuing a strata certificate send a copy of the following documents to the consent authority that granted the relevant development consent and to the local council (if the local council is not the consent authority):
 - (a) the strata certificate,

- (b) the proposed strata plan, strata plan of subdivision or notice of conversion concerned,
 - (c) any other related documents submitted to the accredited certifier by the applicant for the strata certificate in connection with the application.
- (3) Clause 81M (Record keeping by accredited certifiers) of the *Environmental Planning and Assessment Regulation 1994* 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.