



New South Wales

Strata Schemes (Freehold Development) Amendment Regulation 2008

under the

Strata Schemes (Freehold Development) Act 1973

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

ANTHONY KELLY, M.L.C.,
Minister for Lands

Explanatory note

The object of this Regulation is to amend the *Strata Schemes (Freehold Development) Regulation 2007* in respect of the following:

- (a) the manner and form of lodging certain documents with the Registrar-General (consistent with the provisions of the *Conveyancing (General) Regulation 2008*) (these amendments to commence on Gazettal of this Regulation),
- (b) the inspections that must be made before a strata certificate is issued under section 37A of the *Strata Schemes (Freehold Development) Act 1973* (this amendment to commence on 2 March 2009).

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

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Clause 1 Strata Schemes (Freehold Development) Amendment Regulation 2008

Strata Schemes (Freehold Development) Amendment Regulation 2008

under the

Strata Schemes (Freehold Development) Act 1973

1 Name of Regulation

This Regulation is the *Strata Schemes (Freehold Development) Amendment Regulation 2008*.

2 Commencement

- (1) This Regulation (Schedule 1 [1] excepted) commences on the day on which it is published in the Gazette.
- (2) Schedule 1 [1] commences on 2 March 2009.

3 Amendment of Strata Schemes (Freehold Development) Regulation 2007

The *Strata Schemes (Freehold Development) Regulation 2007* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 29A

Insert after clause 29:

29A Inspection required prior to issuing a strata certificate

- (1) This clause applies to a building for which a strata certificate is to be issued under section 37A of the Act.
- (2) As construction of the building nears completion, or after it has been completed, a council or accredited certifier must inspect the building, and the common property areas around the building, so as to be satisfied, as required by section 37AA of the Act, that:
 - (a) the floors, external walls and ceilings depicted in the proposed strata plan for the building 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 building plans 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] Clause 32 Periods for retention of documents: section 49

Omit “12 months”. Insert instead “7 years”.

[3] Schedule 2 Requirements for plans lodged electronically

Omit clause 1. Insert instead:

1 File type in which plan to be created

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

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Schedule 1 Amendments

[4] Schedule 2, clause 4 (2)

Omit the subclause. Insert instead:

- (2) Unless the Registrar-General otherwise approves or this Schedule provides otherwise, symbols may only be used for punctuation of text, and letters must be used instead of special symbols.

[5] Schedule 4 Requirements for lodging administration sheet electronically

Omit clause 1. Insert instead:

1 File type in which image of document to be created

Each sheet of the completed paper administration sheet complying with Schedule 3 that bears original signatures and seals must be scanned by the lodging party and an image created in a format approved by the Registrar-General.

[6] Schedule 4, clause 3

Omit the clause. Insert instead:

3 Lodging procedure

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

Note. The completed paper administration sheet, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 32).

[7] Schedule 5 Requirements for lodging other documents electronically

Omit “Tagged Image File Format (TIFF)” from clause 1.

Insert instead “format”.

[8] Schedule 5, clause 1 (2)

Omit the subclause.

[9] Schedule 5, clause 3 (1)

Omit the subclause. Insert instead:

- (1) The completed document must be lodged electronically together with the plan.

[10] Schedule 5, clause 3, note

Omit the note. Insert instead:

Note. The completed paper document, bearing original signatures and seals, must be retained by the lodging party for a period of at least 7 years following the date of registration of the plan (see clause 32).