



New South Wales

Strata Schemes Management Amendment (Professional Associations) Regulation 2021

under the

Strata Schemes Management Act 2015

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Management Act 2015*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The objects of this Regulation are as follows—

- (a) to provide that the Master Builders Association of New South Wales, as registered under the *Industrial Relations Act 1996*, is an authorised professional association,
- (b) to provide that certain documents are taken to be provided by a developer under the *Strata Schemes Management Act 2015* if the documents are lodged by another person in accordance with the *Design and Building Practitioners Act 2020*,
- (c) to enable certain documents or information to be provided by lodgment on the Strata Hub.

Strata Schemes Management Amendment (Professional Associations) Regulation 2021

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Strata Schemes Management Act 2015

1 Name of Regulation

This Regulation is the *Strata Schemes Management Amendment (Professional Associations) Regulation 2021*.

2 Commencement

- (1) This Regulation commences on 1 July 2021 and is required to be published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1[3] commences on 1 August 2021.

Schedule 1 Amendment of Strata Schemes Management Regulation 2016

[1] Clause 44 Interpretation

Omit “(ACN 074 397 532)” from clause 44(2), definition of *authorised professional association*, paragraph (b).

Insert instead “as registered under the *Industrial Relations Act 1996*”.

[2] Clause 46A Documents to be provided to building inspector by developer

Omit clause 46A(2). Insert instead—

- (2) A reference to specifications and variations under subclause (1)(b)(ii) includes the following documents in relation to the building work—
 - (a) the construction issued regulated designs for the building work provided under the Design Regulation, clause 16(1)(a),
 - (b) the varied regulated design provided under the Design Regulation, clause 17(1)(b),
 - (c) the regulated design for the new building element or performance solution provided under the Design Regulation, clause 17(1)(d),
 - (d) a regulated design that contains additional details provided under the Design Regulation, clause 18(2)(b),
 - (e) a design relied on by the building practitioner to carry out the regulated building work and provided under the Design Act, Schedule 1, clause 3(3),
 - (f) a design relied on by the building practitioner to carry out Crown building work and provided under the Design Act, Schedule 1, clause 4B(3).
- (3) For the purposes of the Act, section 198A, documents required to be provided by the developer of a strata scheme are taken to be provided in accordance with that section if the documents are lodged by another person in accordance with the Design Act.
- (4) Words used in this clause have the same meanings as in the Design Act.
- (5) In this clause—

accredited practitioner (fire safety) includes a fire safety practitioner for things done before 1 July 2020.

Design Act means the *Design and Building Practitioners Act 2020*.

Design Regulation means the *Design and Building Practitioners Regulation 2021*.

[3] Clause 68A

Insert after clause 68—

68A Service of documents or information—the Act, s 271(2)(m)

- (1) This section applies to a document or information that is authorised or required to be given to a person under the following provisions—
 - (a) Part 8, other than clause 52,
 - (b) the Act, Part 11.
- (2) The document or information may be given to the person—

- (a) by lodging it on the Strata Hub, or
 - (b) if a person is unable to lodge it on the Strata Hub for technical or other reasons—by giving it to the Secretary, as directed by—
 - (i) information provided on the Strata Hub, or
 - (ii) the Secretary.
- (3) This clause does not apply to the service of a document to which the Act, section 262 or 263 applies.
- (4) In this clause—
Strata Hub means—
- (a) the website with the URL of www.stratahub.nsw.gov.au, or
 - (b) another website, used to provide and access documents or other information for the purposes of the Act.