

Strata Schemes (Freehold Development) Regulation 2012

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New South Wales

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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 \(No 2\) 2013 No 111](#) (not commenced — to commence on 3.1.2014)

Authorisation

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New South Wales

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Strata Schemes (Freehold Development) Regulation 2012



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Strata Schemes (Freehold Development) Regulation 2012*.

2 Commencement

This Regulation commences on 1 September 2012 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Strata Schemes (Freehold Development) Regulation 2007* which is repealed on 1 September 2012 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

administration sheet, in relation to a plan, means the separate document, in the approved form, required to be lodged with the plan under Division 1 of Part 2 of the Act.

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.

section 88B instrument means an instrument of a kind that:

- (a) under clause 23, is required to accompany a plan that creates an easement, profit à prendre, restriction or positive covenant, or
- (b) under clause 24, is required to accompany a plan that releases an easement or profit à prendre,

under section 88B of the *Conveyancing Act 1919*.

the Act means the *Strata Schemes (Freehold Development) Act 1973*.

Note—

Section 3 (1) of the *Real Property Act 1900* defines **approved form** as a form approved by the Registrar-General for the purposes of the provision of the *Real Property Act 1900* or any other Act in relation to which the expression is used. Section 6 (1) of the *Strata Schemes (Freehold Development) Act 1973* requires that Act to be read and construed as if it formed part of the *Real Property Act 1900*.

(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) Division 4 of Part 3 of, and Schedules 9 and 10 to, the *Conveyancing (General) Regulation 2008* (which deal with instruments under section 88B of the *Conveyancing Act 1919*), and
- (b) the *Real Property Regulation 2008*, and
- (c) any regulation replacing either of those Regulations.

(2) The provisions of this Regulation prevail in the event 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 Location plans, schedules of unit entitlement and floor plans

5 Location plans

(1) A location plan must be in the approved form known as “Strata Plan Form 2” and show the following:

- (a) the external boundaries, and the lengths of the external boundaries, of the parcel,
- (b) except as provided in subclause (2), the projection onto a horizontal plane of the external limits of:
 - (i) the building, or
 - (ii) any other structural feature used in the plan to define boundaries of lots or parts of lots, or
 - (iii) any lots or parts of lots not within the building,

(c) if:

(i) any part of the building, or

(ii) in the case of a lot that is not within the building but is defined by linear measurement from a part of the building or from a part of some other structural feature, any part of that lot,

is within 2 metres of a boundary of the parcel (but is not on a boundary of the parcel), the perpendicular distances from that part of the building or from that part of the structural feature, to that boundary of the parcel (being perpendicular distances that correspond to the connections referred to in clause 7 (1) (b) or (c)),

(d) the identity of:

(i) the building, by reference to the street number, the material of its external construction and the number of floors or levels, and

(ii) any other structural feature used in the plan to define lots or parts of lots, by reference to its nature and the material of its construction,

(e) the identities of all adjoining lands,

(f) if any encroachment exists, the nature and extent of the encroachment and such survey information as the Registrar-General may require to indicate the relationship of the encroachment to the parcel boundary.

(2) In the case of a proposed stratum parcel, the matter to be shown on a location plan by means of the projection referred to in subclause (1) (b) is to include the following information instead of that required by subclause (1) (b):

(a) the perimeter of the site of the building (being the lot or lots on which the building is situated) of which the proposed stratum parcel forms part,

(b) in relation to that perimeter, the external limits of:

(i) the building, and

(ii) the proposed stratum parcel,

(c) in relation to the boundaries of the proposed stratum parcel, such elevations, sections, levels and planes as in the Registrar-General's opinion are necessary to illustrate:

(i) the part of the building that will be the subject of the proposed stratum parcel, and

(ii) any other structural feature used in the plan to define boundaries of lots or parts of lots, and

(iii) any proposed lots or parts of lots not within the building.

- (3) All linear connections shown on a location plan must be referred to a stated surface of a floor, wall, ceiling or structural feature.
- (4) A location plan must comply with the requirements set out in Schedule 1 (in the case of a plan lodged by hand) or 2 (in the case of a plan lodged electronically).

6 Schedules of unit entitlement

- (1) The schedule of unit entitlement must be set out on the administration sheet in the panel provided.
- (2) A schedule of unit entitlement (other than a schedule of unit entitlement referred to in section 8A of the Act) must set out:
 - (a) in vertical columns in numerical sequence, a reference to the number of each lot in the strata scheme, and
 - (b) opposite each lot number, in whole numbers (excluding zero), the proposed unit entitlement of that lot, and
 - (c) the proposed aggregate unit entitlement as the numerical total of the proposed unit entitlement of all lots in the strata scheme.
- (3) Despite subclause (2) (a), the references to successively numbered lots having the same unit entitlement may be grouped in abbreviated form instead of being set out in vertical columns.

7 Floor plans

- (1) A floor plan must be in the approved form known as "Strata Plan Form 2", on a separate sheet from the location plan, and show the following:
 - (a) by continuous lines, the boundaries of lots or whole separate parts of lots, so that boundaries defined by walls or other structural features are shown by a consistent thick line and boundaries defined by lines only are shown by a consistent thin line,
 - (b) if the boundary of a lot is defined by reference to the surface of a structural feature, other than the surface of a floor or ceiling, linear connections to that surface and such linear dimensions of that boundary as the Registrar-General may require,
 - (c) if the boundary of a lot is defined by reference to the surface of a floor or ceiling, such vertical connections and notations as are necessary to define that boundary,
 - (d) notations sufficient to ensure that each cubic space forming the whole of a lot or a whole separate part of a lot is fully defined (provided that if it is intended that a lot boundary is to be defined in accordance with the formula set out in section 5 (2)

(a) of the Act, no notation need be made for the purpose of defining that boundary).

- (2) All linear connections shown on a floor plan must be referred to a stated surface of a floor, wall, ceiling or structural feature.
- (3) No reference is to be made in a floor plan to the relationship of boundaries of lots to boundaries of the parcel, except to the extent required by subclause (4).
- (4) For the purposes of sections 6 (3) (a) and 14 (4) (a) of the Act, so much of an encroachment as is intended for use with a proposed lot is to be indicated in a floor plan in such manner as the Registrar-General may require.
- (5) Subclauses (3) and (4) do not apply to a floor plan for a stratum parcel.
- (6) A floor plan must be shown from the lowest level to the highest level, unless prior approval has been given to showing the levels in another manner by the Registrar-General.
- (7) A floor plan must show or refer to all occupations within an external part of a lot within 1 metre of the boundary of that lot and identify the occupations (other than any occupation that is a dividing fence within the meaning of the *Dividing Fences Act 1991* and that is made of timber, pre-painted steel, wire or similar materials but is not made of masonry) as either common property or part of the lot.
- (8) A floor plan must comply with the requirements set out in Schedule 1 (in the case of a plan lodged by hand) or 2 (in the case of a plan lodged electronically).

Part 3 Strata plans, strata plans of subdivision, strata plans of consolidation and building alteration plans

8 Strata plans

- (1) The administration sheet of a strata plan:
 - (a) must bear so much of the information and certification referred to in the approved form as is relevant to the plan, and
 - (b) must be signed by a duly authorised officer of the local council or by the accredited certifier (as appropriate) and by the surveyor by whom the plan has been prepared.
- (2) Each lot must be numbered consecutively, beginning with lot 1 and ending with a lot number corresponding with the total number of lots in the plan. If a numbered lot is shown as consisting of more than one part, each part must be described as part of that numbered lot.

Note—

Section 8 of the Act provides that a strata plan must include a location plan, a floor plan, a schedule of unit entitlement, the by-laws being adopted for the scheme and the address at which documents may be served on the body corporate.

9 Strata plans of subdivision

- (1) A strata plan of subdivision must be in the approved form.
- (2) The administration sheet of the plan:
 - (a) must bear so much of the information and certification referred to in the approved form as is relevant to the plan, and
 - (b) must be signed by a duly authorised officer of the local council or by the accredited certifier (as appropriate) and by the surveyor by whom the plan has been prepared.
- (3) Each lot resulting from the subdivision must be numbered consecutively, the lowest lot number being greater by one than the highest number of any existing lot in the strata scheme. If a numbered lot is shown as consisting of more than one part, each part must be described as part of that numbered lot.

10 Strata plans of consolidation

- (1) A strata plan of consolidation must be in the approved form and must include a floor plan.
- (2) The administration sheet of the plan:
 - (a) must bear so much of the information and certification referred to in the approved form as is relevant to the plan, and
 - (b) must be signed by the surveyor by whom the plan has been prepared.
- (3) Each lot resulting from the consolidation must be numbered consecutively, the lowest lot number being greater by one than the highest number of any existing lot in the strata scheme. If a numbered lot is shown as consisting of more than one part, each part must be described as part of that numbered lot.

11 Building alteration plans

- (1) A building alteration plan must be in the approved form and must include a floor plan and, if the Registrar-General so requires, a plan in the nature of a location plan.
- (2) The administration sheet of the plan:
 - (a) must bear so much of the information and certification referred to in the approved form as is relevant to the plan, and
 - (b) must be signed by the surveyor by whom the plan has been prepared.

- (3) The Registrar-General may permit specified survey information of an encroachment, sufficient to define the perimeter of a parcel, to be shown on a location plan.
- (4) Each lot must be numbered and identified in accordance with its existing numbering and identity in the strata scheme.
- (5) A certificate given by a surveyor under section 14 (1) (d) of the Act must be in the approved form.

12 Alteration of plans lodged by hand

- (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) number or re-number any lots in a plan lodged by hand, whether before or after registration, and
 - (b) before registration of a plan lodged by hand, supply omissions and correct obvious errors in the plan.
- (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 must be authenticated by the original administration sheet 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), and
 - (c) by the registered proprietor, if the Registrar-General so requires.

13 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 to 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 administration sheet is to be endorsed with a statement identifying the alteration, and
 - (b) the endorsed administration sheet is to be re-signed by a duly authorised officer of the local council or by an accredited certifier (as appropriate), and
 - (c) the alteration must be authenticated by the original administration sheet being signed and dated by the registered proprietor, if the Registrar-General so requires, and
 - (d) a new image of the endorsed and re-signed administration sheet is to be created and lodged with the Registrar-General.

Part 4 Staged development

14 Strata development contracts

- (1) The description in a strata development contract referred to in section 28C (2) (c) of the Act must deal separately with each of the following matters in relation to each stage of the development:
- (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) any common property amenities that will be provided,
 - (c) the number of lots to be created,
 - (d) details of access and construction zones and accompanying rights over common property and development lots,
 - (e) the manner in which it is proposed to landscape the parcel,
 - (f) building materials and finishes to be used,
 - (g) details of any vertical staging, and of the insurance cover that applies to any such staging,
 - (h) whether the developer's liability for expenses relating to the use or maintenance of the common property is to be determined by unit entitlement or differently and details of how the liability is to be determined, if it is to be determined differently,
 - (i) details of any by-laws, management agreements, covenants, easements or dedications that will be created or entered into.

- (2) The description in a strata development contract referred to in section 28C (2) (d) of the Act must deal separately with each of the following matters in relation to each stage of the development:
- (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) the maximum number of lots to be created,
 - (c) details of any vertical staging, and of the insurance cover that applies to any such staging,
 - (d) whether the developer's liability for expenses relating to the use or maintenance of the common property is to be determined by unit entitlement or differently and details of how the liability is to be determined, if it is to be determined differently,
 - (e) details of any by-laws, management agreements, covenants, easements or dedications that will be created or entered into.

15 Execution by developer on behalf of body corporate

If a dealing, plan or other instrument is executed by a developer on behalf of a body corporate under section 28N (3) of the Act for the purpose of giving effect to a decision about a development concern:

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

16 Notices relating to development concerns

A motion that relates to a development concern must be identified by the matter "(THIS MOTION RELATES TO A DEVELOPMENT CONCERN—SEE SECTIONS 28N, 28O AND 28P OF THE STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973)" appearing after the proposed wording of the motion in the following notices and requisitions:

- (a) a notice served on the secretary of the council of the body corporate requiring inclusion in the agenda of the next general meeting of the body corporate of such a motion,
- (b) a notice served on the secretary or, in the absence of the secretary, another member of the council of the body corporate requiring the convening of an extraordinary general meeting to consider such a motion,
- (c) a requisition served on the secretary or, in the absence of the secretary, another

member of the council of the body corporate requiring a meeting of the council to be convened to consider such a motion,

- (d) notice of a meeting of the body corporate or of the council of the body corporate at which such a motion is to be considered.

17 Insurance for vertical staged development

- (1) For the purposes of clause 8 of Schedule 1BA 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 body corporate's damage policy maintained under section 83 or 84 of the [Strata Schemes Management Act 1996](#), 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 \$15,000,000, 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](#).
- (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 or personal injury for which the developer is liable as an occupier of the parcel.

Part 5 Administration sheets

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 separate document required by Division 1 of Part 2 of the Act to be lodged with the plan (the **administration sheet**) and that form must be lodged in the same way as the plan. The administration sheet must accompany all plans and be used for all signatures and seals.

18 Content of the administration sheet

- (1) The administration sheet must include the plan heading and the surveyor's reference in the appropriate panels on each sheet of the approved form.
- (2) The administration sheet must contain all certificates required by the Registrar-

General, endorsed in the appropriate panels on that document.

19 Lodgment of an administration sheet

- (1) An administration sheet that is lodged by hand at the office of the Registrar-General must comply with the requirements set out in Schedule 3.
- (2) An administration sheet can be lodged electronically only if:
 - (a) the plan to which it relates is also lodged electronically, and
 - (b) the administration sheet complies with the requirements set out in Schedules 3 and 4.

20 Refusal to accept an administration sheet

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

21 Registration of an administration sheet

On registration of a plan that is accompanied by an administration sheet, the administration sheet is to be registered in the register of plans referred to in the [Conveyancing \(General\) Regulation 2008](#).

Part 6 Miscellaneous

22 Notations relating to easements, profits à prendre, restrictions on the use of land and positive covenants

- (1) A notation referring to an intention to create or release an easement or profit à prendre, or to create a restriction or positive covenant, must not be entered on a plan unless it is intended that it is to be created or released pursuant to section 88B of the [Conveyancing Act 1919](#).
- (2) However, a plan may designate the site of a proposed easement, profit à prendre, restriction or positive covenant that is intended to be created (otherwise than by registration of the plan) by an instrument of grant or reservation, or the proposed varied site of an existing easement or profit à prendre that is intended to be varied by an instrument of variation, if:
 - (a) the designation of the site of the proposed easement, profit à prendre, restriction or positive covenant, or of the proposed variation of existing easement or profit à prendre, includes the word “proposed” or an abbreviation of that word, and
 - (b) no other statement of intention to create or vary the easement or profit à prendre, or to create the restriction or positive covenant, is entered elsewhere on the plan.
- (3) The designation of the site of a proposed easement, profit à prendre, restriction or

positive covenant in accordance with subclause (2) does not, for the purposes of section 88B of the *Conveyancing Act 1919*, indicate in the prescribed manner an intention to create an easement.

- (4) A notation referring to the proposed varied site of an existing easement or profit à prendre must not be entered on a plan unless it is intended that the easement or profit à prendre is to be varied pursuant to section 47 (5A) of the *Real Property Act 1900*.

23 Indication of creation of easement

- (1) If a plan is intended, on registration, to create an easement, profit à prendre, restriction or positive covenant pursuant to section 88B of the *Conveyancing Act 1919*:
 - (a) a statement of intention to create the easement, profit à prendre, restriction or positive covenant must be legibly printed in the panel provided on the approved form on the administration sheet, and
 - (b) the site of any proposed easement must be shown in the plan drawing area of the approved form with sufficient indication of the nature of the easement to distinguish it from any other easement intended to be created on registration of the plan, and
 - (c) if any proposed easement is to be limited in height or depth, the levels of the limits must be defined as required by the Registrar-General.
- (2) A statement of intention referred to in subclause (1) (a) must neither incorporate the terms of the easement, profit à prendre, restriction or positive covenant nor specify the lots intended to be benefited and burdened.
- (3) The plan must be accompanied by a section 88B instrument in the approved form that complies with Division 4 of Part 3 of, and the requirements set out in Schedule 9 to, the *Conveyancing (General) Regulation 2008* and is lodged in the same manner as the plan. If the instrument is lodged electronically, the requirements set out in Schedule 10 to that Regulation must also be complied with.

24 Indication of release of easement

- (1) If a plan is intended, on registration, to release an easement or profit à prendre (in respect of some or all of the land to which it applies) pursuant to section 88B of the *Conveyancing Act 1919*:
 - (a) a statement of intention to release the easement or profit à prendre must be legibly printed in the panel provided on the approved form on the administration sheet, and
 - (b) sufficient information must be shown on the plan, or included in the relevant

section 88B instrument, to indicate the extent of the release.

- (2) The plan must be accompanied by a section 88B instrument in the approved form that complies with Division 4 of Part 3 of, and the requirements set out in Schedule 9 to, the *Conveyancing (General) Regulation 2008* and is lodged in the same manner as the plan. If the instrument is lodged electronically, the requirements set out in Schedule 10 to that Regulation must also be complied with.

25 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.

Note—

Division 1 of Part 2 of the Act requires a plan to be lodged with a separate document in the approved form relating to the plan. Such a document is called an **administration sheet** in this Regulation. Part 5 of this Regulation makes provision for administration sheets.

- (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:

- (a) the print of each sheet of the plan referred to in subclause (2) (b) must contain particulars of the certificate under the original signature of the duly authorised officer of the council or of the accredited certifier (as appropriate) who gave the certificate, and
- (b) the administration sheet must be signed by the duly authorised officer of the council or of the accredited certifier (as appropriate) who gave the certificate.

26 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 established by section 195AA of the *Conveyancing Act 1919* 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 2 and be lodged in accordance with the relevant requirements of that Schedule.
- (3) The plan file must be accompanied by files comprising:
 - (a) 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.

Note—

Division 1 of Part 2 of the Act requires a plan to be lodged with a separate document in the approved form relating to the plan. Such a document is called an **administration sheet** in this Regulation. Part 5 of this Regulation makes provision for administration sheets.

- (4) The Registrar-General may permit a plan to be accompanied by:
 - (a) approved forms, and
 - (b) the consents referred to in subclause (5) (d).
- (5) 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.
- (6) 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.

27 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 set out in Schedule 5, except those documents referred to in clause 26 (5).

28 Councils' strata certificates and notices

- (1) A strata certificate issued or notice given by a local council under section 37 (1), (1A), (2), (3), (4) or (5) of the Act must be in the approved form.
- (2) A notice under section 37 (2) of the Act must be accompanied by a copy of a plan illustrating the proposed subdivision, identified by the signature of the duly authorised officer of the council who signed the notice.
- (3) 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 following:
 - (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 (4) 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.

29 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 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.

30 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 37 or 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.

31 Body corporate certificates

- (1) A certificate given by a body corporate under section 9 (3) (d) (i), 11 (b), 13 (2) (b) (i), 19 (3) (b), 28 (4) or 37 (2), (4) (a) or (5) (a) of the Act must be in the approved form.
- (2) For the purpose of identification, a plan in respect of which a certificate is given under section 37 (2) of the Act must be signed by each person who attested the affixing of the seal of the body corporate on the certificate.

32 Category 1 fire safety provisions

For the purposes of section 37 of the Act, the following provisions of the *Building Code of Australia* are prescribed as **Category 1 fire safety provisions**, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of that Code and P2.3.2 in Volume Two of that Code.

33 Periods for retention of documents

- (1) For the purposes of section 49 (2) (b) 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 section 49 (2) (c) 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.

34 Fees

- (1) The fees specified opposite the matters listed in Schedule 6 are payable to the Registrar-General in respect of those matters.
- (2) 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.

35 Saving

Any act, matter or thing that, immediately before the repeal of the *Strata Schemes (Freehold Development) Regulation 2007*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Requirements for plans lodged by hand

(Clauses 5 and 7)

1 Material on which plan to be drawn

- (1) Each plan sheet must consist of archival quality paper, or some other medium approved by the Registrar-General.
- (2) A plan must be drawn on one side of a plan sheet only, and must be drawn on a matt surface.
- (3) Each plan sheet must be free from blemishes and creases.

2 Plan drawing sheet dimensions

Each plan sheet must have external dimensions of 420 millimetres by 297 millimetres (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 Registrar-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

The plan must be drawn in a manner and to a scale that allows all details and notations to

be clearly reproduced by the copying processes used by the Registrar-General.

7 Alterations

- (1) A plan may be altered only by striking through the matter to be altered.
- (2) In particular, a plan may not be altered by the use of correction fluid or by rubbing, scraping or cutting the surface of the plan sheet.
- (3) The Registrar-General may require a plan sheet to be replaced if, in the opinion of the Registrar-General, any alteration on the sheet will render it unsuitable for copying.

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 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) A statement may be added to the plan stating that all areas are approximate.
- (3) The total area of a lot:

- (a) must be shown within or relevant to the most significant part of the lot, and
- (b) must be the exact mathematical total of the areas shown elsewhere in the plan within or relevant to the component parts of 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 a location plan or floor plan 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

The plan drawing sheets are not to show any signatures or seals.

Note—

All signatures and seals must be shown on the administration sheet.

Schedule 2 Requirements for plans lodged electronically

(Clauses 5, 7 and 26)

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.

2 Plan drawing 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 Registrar-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 provides otherwise, symbols may only be used for punctuation of text, and letters must be used instead of special symbols.

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) A statement may be added to the plan stating that all areas are approximate.
- (3) The total area of a lot:
 - (a) must be shown within or relevant to the most significant part of the lot, and
 - (b) must be the exact mathematical total of the areas shown elsewhere in the plan within or relevant to the component parts of 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

The plan drawing sheets are not to show any signatures or seals.

Note—

All signatures and seals must be shown on the administration sheet.

Schedule 3 Requirements for administration sheet

(Clause 19)

Note—

An administration sheet must be in the approved form (see Division 1 of Part 2 of the Act). All signatures and seals must be shown on the administration sheet. No signatures or seals are to appear on the plan drawing sheets. The completed administration sheet forms part of the plan and must be lodged with and in the same manner as the plan.

1 Use of approved form

- (1) An administration sheet 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. The total number of additional sheets must not be more than 5 unless the Registrar-General otherwise approves.

2 Paper

The paper used must be:

- (a) white and free from discolouration and blemishes, and
- (b) of archival quality, and
- (c) 297 millimetres in length by 210 millimetres in width (standard A4), or such other sized 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 an administration sheet 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 acknowledging 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 administration sheet 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 surveyor's reference, and
- (b) each sheet must be numbered sequentially in the top right hand corner of each sheet as "Sheet of sheets".

Schedule 4 Requirements for lodging administration sheet

electronically

(Clause 19 (2))

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.

2 Multiple sheets

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

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 33).

Schedule 5 Requirements for lodging other documents electronically

(Clause 27)

1 File type in which image of document to be created

Where a document other than an administration sheet 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 is to be scanned by the lodging party and an image created in a format approved by the Registrar-General.

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 completed document 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 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 33).

Schedule 6 Fees

(Clause 34)

	\$
1 On lodgment of a plan for registration:	
(a) comprising no more than 2 lots	1,127.50
(b) comprising more than 2 lots	1,354.00
In addition, for each quarter-hour or part of a quarter-hour in excess of:	
(a) the first 4 hours occupied in the examination of the plan referred to in paragraph (a) above	53.00
(b) the first 6 hours occupied in the examination of the plan referred to in paragraph (b) above	53.00
In addition, for the preparation and supply of a certificate of title for common property in a strata scheme	135.00
In addition, for each lot shown on the plan	135.00
In addition, if the plan is accompanied by a copy of the proposed by-laws for the strata scheme	209.00
In addition, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited	104.50
In addition, 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	104.50
In addition, if the plan is a strata plan of consolidation—for each folio of the Register to be consolidated	17.80
2 On lodgment of a substituted plan or any sheet of such a plan	104.50

3	On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment fee
4	On lodgment of an application to amend a plan	104.50
	In addition, if the application involves the amendment of a certificate of title or folio of the Register:	
	(a) for the first certificate or folio	104.50
	(b) for each certificate or folio after the first	13.90
5	For examining a plan before lodgment:	
	(a) comprising no more than 2 lots	1,240.25
	(b) comprising more than 2 lots	1,489.40
	In addition, for each quarter-hour or part of a quarter-hour in excess of:	
	(a) the first 4 hours occupied in the examination of the plan referred to in paragraph (a) above	58.30
	(b) the first 6 hours occupied in the examination of the plan referred to in paragraph (b) above	58.30
6	On lodgment of a notification of change of by-laws	104.50
7	On lodgment of a notice of conversion	104.50
8	On lodgment of a notification of change of address for service of notices on an owners corporation	104.50
9	On lodgment of an order varying a strata scheme	104.50
10	On lodgment of an application for an order terminating a strata scheme	104.50
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	53.00
11	On lodgment of an order terminating a strata scheme	104.50
12	On lodgment of a certificate that the initial period has expired, given by an owners corporation pursuant to section 9 (3) (d) (i), 13 (2) (b) (i) or 28 (4) (b) of the Act	104.50
13	On lodgment of a strata management statement	344.40
14	On lodgment for registration of a strata development contract	225.50
15	On lodgment for registration of an amendment to a strata development contract	104.50

16	For supplying a copy of a document or part of a document (other than a certified copy) in the custody of the Registrar-General:	
	(a) to any person attending an office of the Land and Property Information Division, Department of Finance and Services	13.90
	(b) by electronic means to any agent licensed by the Land and Property Information Division, Department of Finance and Services	7.20
	(c) to any person by some other means	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service
17	On lodgment of any document not otherwise referred to in this Schedule	104.50