

Requirements for by-laws for unregistered strata plans prepared prior to 30 November 2016

New strata laws will commence on 30 November 2016. As a result the model by-laws as set out in *Strata Schemes Management Regulation 2010* will no longer be available for adoption on plans registered on or after this date.

Any strata plan registered after the commencement date can only adopt the **Model by-laws for residential strata schemes** as provided in Schedule 3 *Strata Schemes Management Regulation 2016* or **Strata Plan by-laws as provided by the developer**.

If a plan indicates it is intended to adopt model by-laws (from a former regulation) and it is not registered by 30 November the administration sheet will require amendment.

Model By-laws

If it is intended to adopt "Model by-laws for residential strata schemes" as provided in Schedule 3 *Strata Schemes Management Regulation 2016*:

- the by-laws panel on the administration sheet should be struck through and
- the appropriate statement must be added to an annexure page of the administration sheets (see example below).

If it is not intended to adopt "Model by-laws for residential strata schemes" it will be necessary to lodge strata plan by-laws in the approved form and pay the current lodgment fee. The administration sheet(s) must be altered accordingly.

All alterations to the administration sheets must be made by a person who has the authority to do so and be authenticated appropriately, including the date.

Strata Plan (Developer's) by-laws

In most cases if the plan indicates that it is intended to adopt "By-laws filed with the plan" no action will be required.

However, if the by-laws provided make reference to model by-laws a new version must be prepared and lodged. The new version must list in full all by-laws to be created and number them appropriately.

By-law contingency for plans lodged by hand

(Any alteration to an administration sheet lodged via ePlan must be made by the surveyor)

A letter, signed by the surveyor, may be lodged with a new plan or for connection to a previously lodged strata plan requesting LPI to make alterations on behalf of the surveyor if required. The suggested wording is set out below.

An example of the suggested wording

"If the strata plan is not registered before 30 November 2016, I request LPI to take the following action.

(Model by-laws)

- *Strike through the by-laws panel on sheet 1*
- *Add the following statement to an annexure page of the administration sheets. The by-laws adopted for the scheme are, Model by-laws for residential schemes together with;*

Keeping of animals: Option A

Smoke Penetration: Option B

(Strata plan by-laws)

- *Amend the administration sheet(s) to indicate that strata plan by-laws are to be adopted.*
- *Lodge the attached by-laws on behalf of the lodging party and raise an invoice."*

More Information

For more information contact LPI on 1300 052 637 or GeneralEnquiry@lpi.nsw.gov.au