

STRATA BY-LAWS

The legislation requires one consolidated set of by-laws to be held. This guide is to assist with understanding the situation for your strata scheme, and what you should consider as part of your by-law review. The information is contained in *Part 7 of the Strata Schemes Management Act 2015 (NSW)*, and *Schedules 2 & 3 of the Strata Schemes Management Regulation 2016 (NSW)*.

WHICH BY-LAWS ARE RELEVANT

1. Schemes registered **pre-1996**
 - + Schedule 2 of the *Strata Schemes Management Regulation 2016 (NSW)* applies
 - + Each of the by-laws contains a note stating the reference to previous legislation
 - + These by-laws, including any changes to by-laws made under previous legislation, are in force.
2. Schemes registered **1997 to 29 November 2016**
 - + The by-laws *registered* with the Registrar General that were adopted, including any changes to by-laws.
3. Schemes **from 30 November 2016**
 - + Schedule 3 of the *Strata Schemes Management Regulation 2016 (NSW)* applies

You have access to your scheme's by-laws on your property portal or via your [client login](#).

WHAT SHOULD BE CONSIDERED

1. By-law matters

By-laws may be made for the management, administration, control, use of the lots or common property.

Community management, precinct management and strata management statements prevail over by-laws.

They cannot:

- + Restrict children occupying a lot
- + Prevent keeping of an assistance animal
- + Be inconsistent with the by-laws, strata legislation or other laws
- + Be unjust, harsh, unconscionable, oppressive
- + Prevent property dealings

Are your current by-laws enforceable and do they suit your scheme?

2. Occupancy limits

A scheme can adopt a by-law to limit the number of adults who reside within the lot.

Planning approvals prevail over such by-laws, and the limit cannot be less than 2 adults per bedroom.

Clause 36 of the Regulations specifies the exceptions to this limit.

Refer To our [Info Guide on Short Term Lettings](#) for further information

3. Minor renovations

A scheme can adopt a by-law to authorise the strata committee to give approvals for minor renovations.

Refer To our [Info Guide on Minor Renovations](#) for further information

4. Common property rights by-law

A scheme can adopt a by-law to provide owners or occupiers of specific lots exclusive use or special privileges over common property.

Refer To our [Info Guide on Common Property Works & Uses](#) for further information

THE APPROVAL PROCESS

- + The approval of changes to by-laws remains via special resolution.
- + The notification of a change in by-law must be lodged at the Registrar General's office within 6 months of the resolution.
- + The by-law comes into effect when the Registrar General has updated the folio.

If you have any questions, simply contact your [Strata Plus strata manager](#).



STRATA RESOURCES