

By-Law Definitions

Agenda is a document which is circulated to the owners which contains details of the motions and issued to be voted upon at a general meeting.

Annual General Meeting is a meeting of the owners and other parties listed in the strata roll who vote on specific matters in the agenda circulated for the strata scheme. Each year the Owners Corporation is required to hold an Annual General Meeting (AGM).

By-laws are rules which are used to govern bodies such as strata schemes. They cover a large variety of issues including but not limited to renovations within lots, cosmetic renovations, minor renovations and issues regarding the management, administration and use or enjoyment of the lots and common property.

Circulation refers to the distribution of documents to relevant parties for review (e.g. agenda of Annual General Meeting).

Common Property is all the areas of land and buildings in the strata plan which does not form part of any lot. The ownership of common property is shared between all lot owners with the owners corporation responsible for all repair and maintenance.

Common property certificate of title is a deed issued by NSW Land Registry Services which proves ownership of the common property in a strata scheme. It contains details of the registered by-laws, other forms of dealings (e.g. easements) and the current details of the unit entitlements. Your strata manager is usually able to provide this document.

Common property rights by-law is a by-law which confers on the owners or occupiers a right of exclusive use or special privileges of the whole or specified parts of common property.

Consolidation and registration of by-laws refers to the obligation for the scheme to consolidate and register each new by-law with the existing by-laws under regulation 24 of the *Strata Schemes Development Regulation (2016) NSW* ('the regulations'). Once consolidated, the by-laws must be lodged with the Department of Land and Property Information (LPI) for registration and shall be recorded on the common property certificate of title.

Cosmetic works are renovations that do not require the approval of the owners corporation. Section 109 of the *Strata Schemes Management Act 2015* (NSW) ('the Act') states that the type of works under this provision include but are not limited to replacing hooks, nails or screws, replacing handrails, filling minor holes and cracks in internal walls, installation or replacing built-in wardrobes, internal blinds and curtains in accordance with the regulations.

Extraordinary General Meeting is a meeting of owners and other parties that can be held at any point in the year. The meeting is held outside the scheduled Annual General Meeting (AGM) to

consider matters (e.g. by-laws) that cannot wait until the next Annual General Meeting (AGM).

General meeting is a meeting of the owners and other parties listed in the strata roll who vote on specific matters in the agenda circulated for the strata scheme. Each year the Owners Corporation is required to hold an Annual General Meeting (AGM) however Extraordinary General Meetings (EGM) can be held at any point in the year. In order to consolidate and register a by-law, it must be approved at one of these general meetings.

Department of Land and Property Information (LPI) is a government department responsible for all dealings relating to land and property in NSW including the consolidation and registration of by-laws. The department is operated by the Land Registry Services on behalf of the NSW Government.

Lot property describes a proportion of property within the scheme that can be separately owned and sold.

Lot number is provided after registration at NSW Land Registry Services it is an identification number, unique to an individual lot within a strata scheme. A lot number in a strata scheme may match the unit number of an owner.

Lot property title search is a document provided from state land registries which includes the names of the property owner(s), any restrictions on the land, mortgage and lease details and any other relevant information related to the property.

Minutes for the general meeting is a documented record for all meetings of the Owners Corporation and the Strata Committee.

Model by-laws area generic set of rules which can be used by strata schemes as their registered by-laws. The current RESIDENTIAL model by-laws for a strata scheme can be found in Schedule 3 of the regulations.

Motion is a proposal put forward in the agenda for general meetings. It will be voted on at the general meeting and passed by one of the three types of resolutions (ordinary, special or unanimous). For a by-law to be registered they must be put in a motion for a general meeting and approved by special resolution.

NSW Civil & Administrative Tribunal (NCAT) can hear and issue orders regarding by-laws disputes under the *Strata Schemes Management Act 2015*.

NSW Fair Trading can assist with resolving by-law disputes through mediation prior to an application being made to the NSW Civil & Administrative Tribunal (NCAT).

Ordinary resolution requires more than 50% majority vote of eligible owners or representative present a general meeting.

Owners Corporation (OC) is a legal entity consisting of all the registered proprietary owners within a strata schemes. The owners are automatically members of the OC and have the right to take part in the decision making processes.

Proxy voting occurs when a registered proprietary owner cannot attend a general meeting and they authorise (give their proxy) to another person who can vote on issues including the approval of by-laws on the owners behalf.



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Section 108 and 143 future works by-law means a by-law which authorises works to be performed within a specified area. The effect of this by-law is that the owner becomes responsible for the repair and maintenance obligations associated with the works. In order to commence works, the by-law will have to be approved by special resolution at a general meeting of the owners corporation then consolidated and registered with LPI.

Section 143 exclusive use and retrospective works by-law is a by-law which retrospectively authorises completed works by owners and grants owners exclusive use of the associated areas.

Section 110 by-law is a by-law which delegates authority for the approval of minor renovations to the owners corporation. The Act states that the owner of a lot must give written notice of the proposed minor renovations to the owner's corporation before a motion to begin works can be approved at a general meeting. The works that this type of by-law do not apply to include but are not limited to cosmetic works for the purposes of section 109 of the Act, structural changes, changes to the external appearance of a lot, waterproofing, work requiring approval under any other legislation, work authorised under a common property rights by-laws.

Section 136 by-law is a by-law which may be made in relation to the 'management, administration, control, use or enjoyment of the lots or the common property' within a strata scheme. Some areas of governance these by-laws may be made in relation include but are not limited to the restriction of smoking within strata schemes, keeping animals or pets on lots or common property and storage of goods.

Special resolution is a decision made at a meeting regarding a motion put forward which requires a minimum 75% majority 'for' vote from eligible owners or representatives. The value of every vote is based on the unit entitlement for each lot. Special resolutions are required to pass and register new by-laws.

Strata Plan is the actual plan of the strata scheme registered at NSW Land Registry Services which shows details such as the location of the building on the land, the lots contained and the common property areas. Your strata manager is usually able to provide this document.

Strata Plan Number is provided after registration at NSW Land Registry Services it is an identification number, unique to individual strata schemes. The number is commonly displayed agendas, minutes of meetings and levy notices.

Registered by-laws is the consolidated set of by-laws filed with NSW Land Registry Services for the strata scheme. Your strata manager is usually able to provide this document.

Registered proprietary owner is the person(s) whose name(s) are listed on the lot property title search as the registered owners of the property.

Unanimous resolution is a decision where the motion is only passed if no votes are cast against it at the meeting.

Unit entitlement are given to each lot which is shown on the strata plan, the allocate entitlement is based on several facts (e.g. size of the lot) it is used to calculate each lot owner's contributions for levies and voting 'power'.

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