

## Change of By-Laws form 15CB: Instructions for Completion

1. Complete the form in dense black or dark blue ink. If handwriting, use block capitals only.
2. Do not use an eraser or correction fluid to make alterations: rule through rejected material and initial the left-hand margin.
3. If the space provided at any point is insufficient, insert "See Annexure" at that point and include the required material on sheets of white A4 paper at least 80gsm (ordinary copier paper satisfies these requirements) using one side only. Insert a heading beginning "Annexure to ..." and specifying the type of form, the date and the parties to the transaction. Identify the material included, where possible by referring to the relevant marginal heading on the form. In the case of signatures which could not be fitted in the space provided, reproduce the text and layout used on the form. Number all pages in sequence with the form using the format "Page ... of ..."; the number must be placed at the foot of each page and must be centred. The first and last pages must be signed by the parties and any witness. Securely attach the additional pages to the upper left-hand corner of the form: a Nalclip is preferred; stapling should be avoided.
4. Insert the total number of pages, including any additional pages (see above), in the space provided at the foot of the form.
5. Lodge the completed form by hand at the Department of Lands, Land and Property Information Division, Queens Square, 1 Prince Albert Road, Sydney (adjacent to Hyde Park Barracks), together with the certificate of title for the common property.
6. The following instructions relate to the marginal letters on the form.

### (A) FOLIO OF THE REGISTER

Insert the number of the folio of the Register for the common property affected.

### (B) LODGED BY

This section must be completed by the person or firm lodging the form at LPI ("the lodging party"). If the lodging party does not have a LPI document collection box, leave the relevant panel blank. If the lodging party has a Listed Lodging Party Number ("LLPN") insert it as the first item of the first line in the relevant panel; use the following format: "LLPN: 123456. Provision of a reference is optional.

### (C) OWNERS-STRATA PLAN .../RESOLUTION PASSED ON ...

Insert the number of the strata plan and the date on which the resolution was passed.

### (D) SECTION NO. .../ORDER NO. ...

Choose one and complete it where necessary; rule through the other four. The following may be used as a guide.

A change of by-laws pursuant to *section 47 of the Strata Schemes Management Act 1996* is one which does not create rights of exclusive use and enjoyment of, or special privileges in respect of, common property.

A change of by-laws pursuant to *section 49(2) of the Act* is one which changes the terms of an order made under Chapter 5 of the Act having the effect of a by-law and must accordingly be made pursuant to a unanimous resolution.

Where the initial period has expired, a change of by-laws pursuant to *section 52(1) of the Act* allows an owners corporation, with the consent in writing of a proprietor and pursuant to a special resolution, to make a by-law conferring on that proprietor the exclusive use and enjoyment of, or special privileges in respect of, common property, or by special resolution to make a by-law amending, adding to or repealing any by-law previously made under the subsection.

Where the initial period has not expired, a change of by-laws pursuant to *section 52(1) of the Act* must be authorised by the Strata Schemes Board: see sections 50 and 182 of the Act. The number of the order by the Strata Schemes Board must be shown at letter (D).

A by-law made pursuant to *section 56 of the Act* before the initial period expires, confers a right to park a vehicle on part of the common property. This section allows only the addition of a by-law; the Council's certificate must be completed.

A change of by-laws pursuant to *clause 15 of Schedule 4 of the Strata Schemes (Freehold Development) Act 1973* is one which confirms rights of exclusive use and enjoyment of, or special privileges in respect to, common property where such rights were in existence (either pursuant to a resolution of the body corporate or a former by-law) prior to 1 July 1974. The new by-law must indicate how it may be amended, added to or repealed.

### (E) REPEALED/ADDED/AMENDED BY-LAW NUMBER

By-laws additional to those already operating must be numbered "Special By-Law No. 1", etc.

### (F) EXECUTION

The common seal of the owners corporation must be affixed in the presence of the persons authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal. Insert the number of the strata plan and the date on which the common seal was affixed. The relevant section of the form must be completed by the attesting witnesses.

### (G) COUNCIL'S CERTIFICATE

The certificate must be completed where a by-law is made pursuant to section 56 of the Strata Schemes Management Act 1996 before the initial period has expired.

6. Insert the total number of pages (including any annexure) in the space provided at the foot of the form.
7. In the case of a by-law conferring a right of exclusive use or a special privilege in respect of part of the common property, it is necessary to include a plan only where such a plan is referred to as an annexure in the by-law, in which case it must comply with the relevant Real Property Act Regulations.

*If you have any questions about this form or privacy matters, please call Department of Lands, Land and Property Information Division, Client Services on 02 9228 6713 or visit our website at [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au).*