



Scheme By-laws

Strata Titles Act 1985 (STA)
Part 4 Division 4

Scheme Number: 38785

Part 1 – Applicant

(a) For existing schemes:

The Owners of¹ 7 Centro Avenue, Subiaco Strata Scheme 38785 (strata company); or

(b) For new schemes:

The owner(s)² _____ of land the subject of the plan described as³

Part 2 – Select Option

Option 1 – Voluntary Consolidation⁴

[This option is to be selected by schemes registered prior to 1/5/2020 that choose to lodge a consolidated set of by-laws updated solely to take account of changes to by-laws made by *Strata Titles Act 1985* Schedule 5 clause 4]

In compliance with the *Strata Titles Act 1985* section 56 and Schedule 5 clause 4 and the *Strata Titles (General) Regulations 2019* regulation 180(2), the Applicant applies to the Registrar of Titles for registration of an amendment to the strata titles scheme by registration of a consolidated set of scheme by-laws at Part 4.

Option 2 – New Scheme

[This option is to be selected if this form is being lodged together with the **Application to register strata titles scheme** and the governance by-laws in Schedule 1 and conduct by-laws in Schedule 2 of the *Strata Titles Act 1985* are being added to, amended or repealed.]

The Applicant applies to the Registrar of Titles to have the consolidated set of scheme by-laws as set out in Part 4 registered with the **Application to register strata titles scheme** in respect of the above land.

Option 3 – Application to Amend

[This option is to be selected by schemes registered under the *Strata Titles Act 1985* that are making additions, amendments or repeals to the existing scheme by-laws.]

In compliance with the *Strata Titles Act 1985* section 56 and *Strata Titles (General) Regulations 2019* regulation 56 and if *Strata Titles Act 1985* Schedule 5 clause 4 and the *Strata Titles (General)*

¹ To be completed as “[scheme name + scheme type + scheme number]” under s.14(2) of the Act, e.g. Pretty Ponds Survey-Strata Scheme 12345.

² Insert the full name(s) of the owners of land the subject of the plan as shown on the certificate of title.

³ Insert the description of parcel, e.g. Lot 1 on Deposited Plan 12345.

⁴ No resolution is required for by-law changes set out in the *Strata Titles Act 1985* Schedule 5 clause 4 and renumbering consequential on those changes.

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Regulations 2019 regulation 56 and 180(1) apply to the by-laws of the strata company, the Applicant applies to the Registrar of Titles for registration of an amendment to the strata titles scheme by amending the scheme by-laws at Part 3 and including a consolidated set of scheme by-laws at Part 4.

Part 3 – Application to Amend

[In this part specify additions, amendments and repeals of by-laws]

The Applicant certifies that:

By resolution without dissent, the voting period for which opened on 4/12/2024 and closed on 1/01/2025 (and which must be registered within 3 months after the closing date) the additions/ amendments/ repeal⁵ to the Governance by-laws were made as detailed here.

60. Costs Recovery

- (1) For the purposes of these by-laws:
 - (a) Act means the Strata Titles Act 1985.
 - (b) Costs include, without limitation:
 - (i) the strata manager’s costs;
 - (ii) debt recovery costs;
 - (iii) legal costs and disbursements on a solicitor and own client indemnity basis;
 - (iv) costs of any consultants and experts;
 - (v) costs of any security guards or contractors engaged by the strata company to:
 - (A) respond to any breach of the by-laws or the Act; or
 - (B) attempt to prevent any further breaches of the by-laws or the Act; and
 - (vi) costs of any employees of and contractors to the strata company preparing for or being involved in the Legal Proceedings.
 - (c) Legal Proceedings include, without limitation:
 - (i) the issuing of a notice alleging a breach of the Act or by-laws that could lead to an application to the State Administrative Tribunal (SAT), a tribunal or any court;
 - (ii) an application to a court, or any other tribunal:

⁵ Select one.
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- (I) to recover any amount of money owing to the strata company by an owner; or
 - (II) for any other matter;
 - (iii) an application to SAT for relief under the Act, which includes without limitation any order, interim order or declaration made by SAT; and
 - (iv) an application for leave to appeal to the Supreme Court or the Court of Appeal from an order of SAT or another court order and any further appeals related to that appeal.
- (2) An owner will indemnify the strata company and each of its employees, agents, contractors, sub-contractors and authorised representatives against any injury, harm, loss or damage suffered or incurred by them as a result of any breach of these by-laws or the Act by the owner or any of the occupiers of the owner's lot (Owner Indemnity).
- (3) Without limiting the Owner Indemnity, an owner (Specified Owner) will pay on demand the whole of the strata company's Costs incurred in relation to any or all of the following:
- (a) recovering outstanding contributions levied by the strata company on that Specified Owner pursuant to either or both section 43 or 100 of the Act;
 - (b) recovering any outstanding amounts otherwise owing from the Specified Owner to the strata company under either or both the Act or these by-laws;
 - (c) making good any damage to the common property or personal property of the strata company caused by:
 - (i) the Specified Owner or an occupier of the Specified Owner's lot;
 - (ii) an invitee of the Specified Owner; or
 - (iii) an invitee of the occupier of the Specified Owner's lot;
 - (d) remedying a breach of the by-laws or the Act committed by:
 - (i) the Specified Owner; or
 - (ii) an occupier of the Specified Owner's lot;
 - (e) rectifying any unauthorised works on common property undertaken as a result of an instruction or action of the Specified Owner or occupier of the Specified Owner's lot;
 - (f) all Legal Proceedings taken by the strata company against the Specified Owner or an occupier of the Specified Owner's lot;
 - (g) all Legal Proceedings taken by the Specified Owner against the strata company or in which the strata company becomes involved and the Specified Owner is not successful or is only partly successful in those Legal Proceedings; and

- (h) all Legal Proceedings taken by:
 - (i) an occupier of the Specified Owner's lot; or
 - (ii) a mortgagee of the Specified Owner's lot,against the strata company or in which the strata company becomes involved and that occupier or mortgagee (as the case may be) is not successful or is only partly successful in those Legal Proceedings.
- (4) The council of the strata company is empowered:
 - (a) to include the amount of the Costs in the amounts to be raised for the purposes of section 100(1)(a) of the Act; and
 - (b) raise the amount of the Costs by levying a contribution for those Costs solely on that Specified Owner in accordance with section 100(1)(c)(ii) of the Act.
- (5) The Costs are also recoverable by the strata company against the Specified Owner as a liquidated debt and the strata company may take action for the recovery of those amounts in any court of competent jurisdiction.

61. Approval Costs – Owner Applications to Strata Company

- (1) In this by-law:
 - (a) **Act** means the Strata Titles Act 1985 (WA).
 - (b) **Council** means the council of the strata company.
- (2) An owner (**Applicant**) must submit any application requiring strata company approval (**Application**) to the Council:
 - (a) using any approved form required by the Council from time to time; and
 - (b) with all of the necessary supporting information required by the approved form, otherwise requested by the Council or as might otherwise be reasonably required in order for the Council to properly consider the Application annexed to it.
- (3) An Applicant is responsible for all costs incurred by the strata company arising from that owner submitting an Application, the Council reviewing that Application, the arrangements for and conduct of any vote in relation to the Application and confirming the outcome of that vote (**Application Costs**), including but not limited to applications for approval to:
 - (a) alter common property;
 - (b) install a utility or sustainability conduit or infrastructure in accordance with the Act; or

- (c) alter a structure within a lot in accordance with the Act.
- (4) After receiving an Application, the Council must review and properly consider that Application (**Review**).
- (5) For the purpose of a Review the Council is empowered to:
- (a) request further information from the Applicant;
 - (b) where appropriate, make the necessary arrangements for the Application to be put to a vote of the strata company either at a general meeting or by a resolution outside of a general meeting;
 - (c) include the amount of any Application Costs in the amounts to be raised for the administrative fund; and
 - (d) raise the amount of these Application Costs by levying a contribution for those Costs solely on the Applicant in accordance with this by-law.
- (6) If any Application Costs levied to an Owner in accordance with this by-law remain outstanding for more than fourteen (14) days after the date on which they are due, the strata company may recover those Application Costs from the Applicant as a liquidated debt in a court of competent jurisdiction, together with the expenses incurred in recovering the Application Costs, including but not limited to legal expenses on a solicitor and own client full indemnity basis.

and / or⁵

By resolution without dissent, the voting period for which opened on **24/02/2025** and closed on **24/03/2025** (and which must be registered within 3 months after the closing date) the additions/ amendments/ repeal⁶ to the Governance by-laws were made as detailed here.

62. Insurance Excess

- (1) In this by-law:
- (a) Act means the Strata Titles Act 1985 (WA).
 - (b) Lot means a lot within the strata scheme.
 - (c) Owner or Occupier have the meanings given to them in the Act.
 - (d) Strata Company means the strata company established on registration of the scheme.
- (2) An Owner (Designated Owner) is responsible for the cost of any insurance excess payable by the Strata Company in relation to or arising from any insurance claim made

⁶ Select one.
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against the Strata Company's insurance policy (Excess Costs), where that insurance claim arises from any loss or damage to any:

- (a) part of the building structure within that Designated Owner's Lot;
- (b) part of the common property structure surrounding the Designated Owner's Lot (Adjacent Common Property);
- (c) of the fixtures and improvements made to that Designated Owner's Lot; or
- (d) part of the common property or personal property of the Strata Company, other than the Adjacent Common Property,

that was caused or contributed to by the Designated Owner, any Occupier of their Lot or any employee, agent, contractor, sub-contractor, licensee or invitees of the Designated Owner or the Occupier.

- (3) The responsibility to pay Excess Costs under this by-law includes, but is not limited to, any insurance claim for damage, breakage or loss, whether accidental or otherwise to:
 - (a) glass (including windows, doors, shower screens and mirrors); and
 - (b) porcelain, vitreous china, stone, granite, wood or similar fixtures (such as vanity basins, benchtops and flooring).
 - (c) any structure within or forming part of the Designated Owner's Lot
- (4) The council of the Strata Company is empowered and authorised in accordance with section 100(3) of the Act to:
 - (a) include the amount of the Excess Costs in the amounts to be raised for the purposes of section 100(1)(a) of the Act; and
 - (b) raise the amount of the Excess Costs by levying a contribution for those Excess Costs solely on the Designated Owner in accordance with section 100(1)(c)(ii) of the Act.
- (5) If any Excess Costs remain outstanding for more than fourteen (14) days, the Strata Company may recover that Excess Costs from the Designated Owner as a liquidated debt in a court of competent jurisdiction, together with the expenses incurred in recovering the Excess Costs, including but not limited to legal expenses on a solicitor and own client full indemnity basis.

and / or⁵

By special resolution, the voting period for which opened on 4/12/2024 and closed on 1/1/2025 (and which must be registered within 3 months after the closing date) the additions/ amendments/ repeal⁵ to the Conduct by-laws were made as detailed here.

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Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

36. Lithium Batteries within the Scheme

- (1) In this by-law:
- (a) **Electric Vehicle** means a land vehicle powered by an electric motor drawing electricity from a battery including a road vehicle, e-bikes, e-scooters, electric two-wheelers, golf carts, etc.
 - (b) **Lithium Battery** means a lithium-ion rechargeable battery that is used to power an Electric Vehicle.
 - (c) **Standard** means an Australian Standard, Regional Standard or International Standard, as amended from time to time, and relates to the manufacture, safety or use of a lithium-ion battery in Australia.
- (2) Each owner and each occupier acknowledge and agrees that:
- (a) the strata company must control and manage the common property for the benefit of all owners and in accordance with its duties imposed by sections 91(1)(b), 91(1)(c) and 97 of the Act; and
 - (b) the storage and/or re-charging of an Electric Vehicle or Lithium Battery may constitute a fire hazard; and
 - (c) they are not permitted to bring onto the scheme an Electric Vehicle, or Lithium Battery that does not meet the current Standards that apply in Australia, from time to time.

Parking, Storage and Recharging

- (3) Each owner and each occupier agrees to:
- (a) not park, store, and/or recharge any Electric Vehicle, and/or Lithium Battery that they bring onto the scheme, on common property.
 - (b) if the strata company deems it necessary, park, store and/or recharge any Electric Vehicle, and/or Lithium Battery that they bring onto the scheme within any available secure common property area designated for this purpose by the strata company, so as to reduce the fire hazard; and
 - (c) accept responsibility for all costs arising from or associated with any Electric Vehicle and/or Lithium Battery being brought onto the scheme by them or any of their visitors.
 - (d) not charge any Electric Vehicle, and/or Lithium Battery using common electricity supply.

Indemnity

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- (4) An owner or occupier who brings an Electric Vehicle or Lithium Battery onto the scheme agrees to indemnify and keep indemnified the strata company against any loss, liability, claim, damages or costs arising out of or in connection with or caused by that Lithium Battery being on the Scheme, including any fire damage caused by a fault or misuse.

37. Restriction on Short-Stay Accommodation

- (1) In this by-law:

"**Authority**" means any local or state government department, body or agency.

"**Short-stay Accommodation**" means the use of a lot by a person which is not that person's usual or settled place of abode on a temporary and transient basis.

- (2) An owner of a lot must not use or allow their lot to be used as Short-stay Accommodation without first obtaining all necessary approvals, licences or grants from any Authority and shall within 14 days provide copies of the same to the strata company.
- (3) In the event of an owner obtaining the necessary approvals, licenses and grants, the owner shall provide a signed deed to the strata company which has the effect of the lot owner agreeing to indemnify the strata company against any loss suffered as a result of any damage caused by the persons or their guests using the lot as Short-stay Accommodation.

and / or⁵

By ordinary resolution passed on **4/12/2024** a by-law specifying a period of 12 months ending on a different date to 30 June was made as detailed here and taken to be a governance by-law in accordance with Strata Titles (General) Regulations 2019 regulation 175(4).

63. Strata Company Financial Year

The Financial Year of the strata company is the period of 12 months ending September 30.

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Part 4 – Consolidated set of by-laws

[In this part provide the full text of the current set of scheme by-laws for the scheme classified as governance or conduct and with the relevant by-law number]

The strata company certifies that the consolidated set of by-laws set out below is the current full set of by-laws for the scheme with the scheme number specified on page 1.

Governance by-laws

1. Duties of Owner

- (1) The owner of a lot must —
 - (a) immediately carry out all work that may be ordered under a written law in respect of the lot other than such work as may be for the benefit of the building generally and pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of the lot;
 - (b) maintain and repair the lot, and keep it in a state of good condition, reasonable wear and tear, and damage by fire, storm, tempest or act of God excepted.
- (1A) The owner of a lot must —
 - (a) notify in writing the strata company immediately on becoming the owner of the lot, including in the notice the owner's address for service for the purposes of this Act; and
 - (b) if required in writing by the strata company, notify the strata company of any mortgage or other dealing in connection with the lot, including in the case of a lease of a lot, the name of the lessee and the term of the lease.
- (2) [Deleted]

2. [Deleted]

3. Power of strata company regarding sub-meters

- (1) If the supply of gas or electricity to a lot is regulated by means of a submeter, the strata company may require the owner or occupier of the lot to pay the strata company by way of security for the payment of charges arising through the submeter an amount not exceeding \$200 and, if any amount so paid is applied by the strata company under sub-by-law (3), to pay such further amount or amounts by way of such security as may be necessary to maintain the amount of the security as, subject to this sub-by-law, the strata company may require.
- (2) The strata company must lodge every sum received under this by-law to the credit of an interest-bearing ADI account and all interest accruing in respect of amounts

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so received must, subject to this by-law, be held on trust for the owner or occupier who made the payment.

- (3) If the owner or occupier of a lot in respect of which a submeter is used for the supply of gas or electricity refuses or fails to pay any charges due for the supply of gas or electricity to that lot, the strata company may apply in payment of those charges all, or such part as is necessary, of any amount paid to the strata company by that owner or occupier under this by-law, including any interest that may have accrued in respect of that amount.
- (4) If a person who has paid an amount under this by-law to a strata company satisfies the strata company that the person is no longer the owner or occupier of a lot and that the strata company no longer has any liability or contingent liability for the supply of gas or electricity to that lot during the period when that person was an owner or occupier of the lot, the strata company must refund to that person the amount then held on the person's behalf under this by-law.

4. Constitution of Council

- (1) The powers and duties of the strata company must, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the council of the strata company and a meeting of the council at which a quorum is present is competent to exercise all or any of the authorities, functions or powers of the council.
- (2) Until the first annual general meeting of the strata company, the owners of all the lots constitute the council.
- (3) If there are not more than 3 lots in the scheme, the council consists of all of the owners of the lots and, if there are more than 3 lots in the scheme, the council consists of not less than 3 nor more than 7 of the owners of the lots, as is determined by the strata company.
- (4) If there are more than 3 lots in the scheme, the members of the council must be elected at each annual general meeting of the strata company or, if the number of lots in the scheme increases to more than 3, at an extraordinary general meeting convened for the purpose.
- (5) [Deleted]
- (6) If there are co-owners of a lot, 1 only of the co-owners is eligible to be, or to be elected to be, a member of the council and the co-owner who is so eligible must be nominated by the co-owners, but, if the co-owners fail to agree on a nominee, the co-owner who owns the largest share of the lot is the nominee or, if there is no co-owner who owns the largest share of the lot, the co-owner whose name appears first in the certificate of title for the lot is the nominee.
- (7) [Deleted]

- (8) Except if the council consists of all the owners of lots in the scheme, the strata company may by special resolution remove any member of the council before the expiration of the member's term of office.
- (9) A member of the council vacates office as a member of the council —
- (a) if the member dies or ceases to be an owner or co-owner of a lot; or
 - (b) on receipt by the strata company of a written notice of the member's resignation from the office of member; or
 - (c) at the conclusion of an annual general meeting of the strata company at which an election of members of the council takes place and at which the member is not elected or re-elected; or
 - (d) in a case where the member is a member of the council by reason of there being not more than 3 owners of lots in the scheme, on an election of members of the council (as a result of there being an increase in the number of owners to more than 3) at which the member is not elected; or
 - (e) if the member is removed from office under sub-bylaw (8); or
 - (f) if the Tribunal orders that the member's appointment is revoked and the member is removed from office.
- (10) The remaining members of the council may appoint a person eligible for election to the council to fill a vacancy in the office of a member of the council, other than a vacancy arising under sub-bylaw (9)(c) or (d), and any person so appointed holds office, subject to this by-law, for the balance of the predecessor's term of office.
- (11) Except if 1 person is the owner of all of the lots in the scheme, a quorum of the council is 2 if the council consists of 3 or 4 members; 3, if it consists of 5 or 6 members; and 4, if it consists of 7 members.
- (12) The continuing members of the council may act even if there is a vacancy in the council, but so long as the number of members is reduced below the number fixed by these by-laws as the quorum of the council, the continuing members or member of the council may act for the purpose of increasing the number of members of the council or convening a general meeting of the strata company, but for no other purpose.
- (13) All acts done in good faith by the council, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of any member of the council, are as valid as if that member had been duly appointed or had duly continued in office.

5. Election of council at general meeting

The procedure for nomination and election of members of a council must be in accordance with the following rules —

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- (1) The meeting must determine, in accordance with the requirements of by-law 4(3) the number of persons of whom the council is to consist.
- (2) The chairperson must call on those persons who are present at the meeting in person or by proxy and entitled to nominate candidates to nominate candidates for election to the council.
- (3) A nomination is ineffective unless supported by the consent of the nominee to the nomination, given —
 - (a) in writing, and furnished to the chairperson at the meeting; or
 - (b) orally by a nominee who is present at the meeting in person or by proxy.
- (4) When no further nominations are forthcoming, the chairperson —
 - (a) if the number of candidates equals the number of members of the council determined in accordance with the requirements of by-law 4(3), must declare those candidates to be elected as members of the council;
 - (b) if the number of candidates exceeds the number of members of the council as so determined, must direct that a ballot be held.
- (5) If a ballot is to be held, the chairperson must —
 - (a) announce the names of the candidates; and
 - (b) cause to be furnished to each person entitled to vote and present in person or by proxy, a blank form in respect of each lot in respect of which the person is entitled to vote for use as a ballot form.
- (6) A person who is entitled to vote must complete a valid ballot form by —
 - (a) writing on the form the names of candidates, equal in number to the number of members of the council so that no name is repeated; and
 - (b) indicating on the form the number of each lot in respect of which the person's vote is cast and whether the person so votes as owner or first mortgagee of each such lot or as proxy of the owner or first mortgagee; and
 - (c) signing the ballot form; and
 - (d) returning it to the chairperson.
- (7) The chairperson, or a person appointed by the chairperson, must count the votes recorded on valid ballot forms in favour of each candidate.
- (8) Subject to sub-by-law (9), candidates, being equal in number to the number of members of the council determined in accordance with by-law 4(3), who receive the highest numbers (in terms of lots or unit entitlements as required under the Strata Titles Act 1985 section 122) of votes are to be declared elected to the council.

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(9) If the number (in terms of lots or unit entitlements as required under the Strata Titles Act 1985 section 122) of votes recorded in favour of any candidate is the lowest of the numbers of votes referred to in sub-bylaw (8) and —

- (a) that number equals the number of votes recorded in favour of any other candidate; and
- (b) if each of those candidates were to be declared elected the number of persons elected would exceed the number of persons required to be elected,

as between those candidates, the election must be decided by a show of hands of those entitled to vote and present in person or by proxy.

6. Chairperson, secretary and treasurer of council

- (1) The members of a council must, at the first meeting of the council after they assume office as such members, appoint a chairperson, a secretary and a treasurer of the council.
- (2) A person —
 - (a) must not be appointed to an office referred to in sub-bylaw (1) unless the person is a member of the council; and
 - (b) may be appointed to 1 or more of those offices.
- (3) A person appointed to an office referred to in sub-bylaw (1) holds office until the first of the following events happens —
 - (a) the person ceases to be a member of the council under by-law 4(9);
 - (b) receipt by the strata company of a written notice of the person's resignation from that office;
 - (c) another person is appointed by the council to hold that office.
- (3A) The remaining members of the council must appoint a member of the council to fill a vacancy in an office referred to in sub-bylaw (1), other than a vacancy arising under by-law 4(9)(c) or (d), and any person so appointed holds office, subject to this by-law, for the balance of the predecessor's term of office.
- (4) The chairperson is to preside at all meetings of the council but, if the chairperson is absent from, or is unwilling or unable to preside at, a meeting, the members of the council present at that meeting can appoint 1 of their number to preside at that meeting during the absence of the chairperson.

7. Chairperson, secretary and treasurer of strata company

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- (1) Subject to sub-bylaw (2), the chairperson, secretary and treasurer of the council are also respectively the chairperson, secretary and treasurer of the strata company.
- (2) A strata company may at a general meeting authorise a person who is not an owner of a lot to act as the chairperson of the strata company for the purposes of that meeting.
- (3) A person appointed under sub-bylaw (2) may act until the end of the meeting for which the person was appointed to act.

8. Meetings of council

- (1) At meetings of the council, all matters must be determined by a simple majority vote.
- (2) The council may —
 - (a) meet together for the conduct of business and adjourn and otherwise regulate its meetings as it thinks fit, but the council must meet when any member of the council gives to the other members not less than 7 days' notice of a meeting proposed by the member specifying in the notice the reason for calling the meeting; or
 - (b) employ or engage, on behalf of the strata company, any person as it thinks is necessary to provide any goods, amenity or service to the strata company; or
 - (c) subject to any restriction imposed or direction given at a general meeting of the strata company, delegate to 1 or more of its members such of its powers and duties as it thinks fit, and at any time revoke the delegation.
- (3) A member of a council may appoint an owner of a lot, or an individual authorised under the Strata Titles Act 1985 section 136 by a corporation which is an owner of a lot, to act in the member's place as a member of the council at any meeting of the council.
- (4) An owner of a lot or individual may be appointed under sub-bylaw (3) whether or not that person is a member of the council.
- (5) If a person appointed under sub-bylaw (3) is a member of the council the person may, at any meeting of the council, separately vote in the person's capacity as a member and on behalf of the member in whose place the person has been appointed to act.

9. Powers and duties of secretary of strata company

The powers and duties of the secretary of a strata company include —

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- (a) the preparation and distribution of minutes of meetings of the strata company and the submission of a motion for confirmation of the minutes of any meeting of the strata company at the next such meeting; and
- (b) the giving on behalf of the strata company and of the council of the notices required to be given under the Act; and
- (c) the supply of information on behalf of the strata company in accordance with the Strata Titles Act 1985 sections 108 and 109; and
- (d) the answering of communications addressed to the strata company; and
- (e) the calling of nominations of candidates for election as members of the council; and
- (f) subject to the Strata Titles Act 1985 sections 127, 128, 129, 200(2)(f) and (g) the convening of meetings of the strata company and of the council.

10. Powers and duties of treasurer of strata company

The powers and duties of the treasurer of a strata company include —

- (a) the notifying of owners of lots of any contributions levied under the Strata Titles Act 1985; and
- (b) the receipt, acknowledgment and banking of and the accounting for any money paid to the strata company; and
- (c) the preparation of any certificate applied for under the Strata Titles Act 1985 section 110; and
- (d) the keeping of the records of account referred to in the Strata Titles Act 1985 section 101 and the preparation of the statement of accounts referred to in the Strata Titles Act 1985 section 101.

11-15. [Deleted]

16-23. [Relocated to Schedule 2 as per Schedule 5 clause 4 of the Strata Titles Act 1985]

24. Compensation to Strata Company

The proprietor, occupier or other resident of a lot will be liable to compensate the strata company in respect of any damage to the common property or personal property vested in the strata company caused by that proprietor, occupier or other resident or any licensee or invitee of that proprietor, occupier or other resident.

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25. Restricted use of the Common Property

The strata company must take all reasonable steps to secure the building and common property from intruders and others not entitled to access thereto and to preserve the safety of the building from fire or other hazard and without limitation may:

- (a) close off or restrict by means of security key access to any part of the common property not required for access to a lot or the subject of an easement, except in accordance with such easement on either a temporary or permanent basis; and
- (b) permit, to the exclusion of proprietors, occupiers or other residents of lots, any part of the common property to be used by any security person as a means of monitoring the security of the building, either solely or in conjunction with any other part of the building.

26. Security Keys

- (a) If the strata company restricts the access of proprietors, occupiers and other residents under by-law 25 the strata company may make available to proprietors the number of security keys as the strata company considers necessary. The committee of the strata company may charge a fee for any additional security key required by a proprietor, occupier or other resident of a lot.
- (b) A proprietor must exercise a high degree of caution and responsibility in making a security key available for use by an occupier or other resident of a lot and must take all reasonable steps including without limitation, an appropriate agreement in any lease or license of a lot to an occupier to ensure return of the security key to the proprietor or other resident of the strata company.
- (c) A proprietor, occupier or other resident of a lot in possession of a security key must not duplicate or permit the security key to be duplicated and must take all reasonable steps to ensure that the security key is not lost or handled to any person other than another proprietor, occupier and other resident and is not disposed of otherwise than by returning it to the proprietor or the strata company.
- (d) A proprietor, occupier or other resident of a lot must promptly notify the strata company if a security key is lost or destroyed.

27-28. [Relocated to Schedule 2 as per Schedule 5 clause 4 of the Strata Titles Act 1985]

29. Insurance Policies

A proprietor, occupier or other resident of a lot must not without the prior written consent of the strata company do or permit anything which may invalidate, suspend or increase the premium for any insurance policy effected by the strata company. If a proprietor, occupier or other resident of a lot does anything which increases the premium for any strata company

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insurance policy then the proprietor of the relevant lot must pay any resulting additional premium.

30-32C. [Relocated to Schedule 2 as per Schedule 5 clause 4 of the Strata Titles Act 1985]

33. Consent of the Strata Company

A consent or direction given by the strata company under these by-laws will, if practicable, be revocable and may be given subject to conditions including, without limitation, a condition evidenced by a minute of a resolution to which the consent or approval relates and the relevant proprietor, occupier and other resident of the affected lot is responsible for compliance with the terms of the consent.

34. [Relocated to Schedule 2 as per Schedule 5 clause 4 of the Strata Titles Act 1985]

35. Restrictions on Uses of Commercial Ground Floor Lots

- (a) The building is designed and intended to be complementary to residential enjoyment and the commercial use of each of the ground floor lots is intended to be non-conflicting with such enjoyment and is therefore restricted in the following manner.
- (b) The following are the only uses which (provided they are also permitted and authorised pursuant to all relevant by-laws, regulations and laws of any authority or body having jurisdiction in respect of such matters), are permitted, and those uses remain subject to the requirement that they must at all times comply with sub-bylaws (c) and (d):
- Offices
 - Medical or specialist consulting rooms
 - Pharmacy
 - News agency
 - Bookstore
 - Antique store
 - Any analogous or other activity having a similarly low impact on residential lots first consented to in writing by the strata company (the strata company will be under no obligation to give any reasons for its decision should it refuse to give its consent).
- (c) The proprietor, occupier and other resident of each ground floor commercial lot must ensure that at no time the lot is used for any business or activity that would or could at any time:
- (i) create any malodour, noxious smell or cooking or baking odours;

- (ii) involve the preparation, cooking or sale of any food product (other than the sale or display of product which is delivered to the lot ready prepared and remains sealed from which no odour can escape and remains so sealed at all times whilst on the lot);
 - (iii) involve the sale or supply of any sex or escort related services or products or involve activities or products, which are disreputable;
 - (iv) involve the creation of any noise that causes nuisance to any other proprietor, occupier or other resident of a lot.
- (d) The proprietor, occupier and other resident of each ground floor commercial lot must ensure that at all times:
- All activity or business conducted on the lot is conducted in a proper and efficient manner and at all times pursuant to all (and not in any breach of any) relevant by-laws, regulations and laws of any authority or body having jurisdiction in respect of such matters;
 - There is no auction, bankruptcy, fire or closing down sale.

36. Building Standards

- (a) The strata company and the proprietors, occupiers and other residents of lots must ensure the building (and its appearance) and all appurtenances, plant and equipment therein are maintained to a standard no less than the standard of maintenance, repair and appearance of a modern, mixed commercial and residential building and whenever necessary the strata company shall implement a program of upgrade, maintenance and renovation of the building so as to maintain such standards as are herein prescribed.
- (b) The proprietor, occupier and other resident of each lot acknowledge and agree:
 - (1) to use best endeavors to ensure that no person interfered with any service of any nature in the building or of any proprietor without the consent of the provider of the relevant service; and
 - (2) that because the services in the building are, in many cases, integrated with different components of the building, it is critical that building works and other services be carried out and maintained to a common high standard. For this reason, building work or maintenance, repair or replacement work for any services must not be carried out in the building by any person other than an Approved Contractor.
- (c) The strata company must ensure that at all times there is an Approved Contractor available on an emergency call basis for every service in the building. A list of such Approved Contractors must be given to each proprietor whenever there is a change in that list. Any proprietor may apply to the strata company to have a person approved as an Approved Contractor. The strata company must consider any such application and decide (in its absolute discretion) whether or not to approve that contractor as an

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Approved Contractor for a particular service or services, or for any building works. If a proprietor, occupier and other resident of a lot allows a person who is not an Approved Contractor to carry out any building work or any work on a service pipe, line, cable, duct or ancillary equipment, that proprietor, occupier and other resident:

- (1) is in breach of these by-laws; and
- (2) must either repair or make good any damage which may be caused to the building or any lot as a result of such breach; and
- (3) indemnifies and agrees to hold indemnified the strata company and all other proprietors or occupiers from and against all claims, demands, actions, suits, judgments and charges, liens, orders, decrees, damages, costs, losses (including loss of rents and other consequential loss) and expenses of every description suffered or incurred in connection with or arising directly or indirectly out of such breach of by-law.

37. Exclusive Use – External Surfaces

The strata company shall have exclusive control over the common property external surfaces and the roof of the building, including with respect to the affixation of notices, notice boards, directory boards, aerials and any awnings overhanging the building. The strata company shall be responsible for the cleaning and maintenance of all external surfaces and the roof of the building, although the proprietor of any lot who has affixed anything with the consent of the strata pursuant to a consent and, upon the removal of such things, shall reinstate the building and/or make good any damage caused by its installation or removal. Anything affixed without the prior written consent of the strata company can be removed by the strata company and such costs incurred in taking such action will be payable by the proprietor responsible for the affixation and the strata company will be entitled to recover the expense under section 42B of the Act or any other appropriate provision under the Act.

38. Standards of Maintenance

- (1) The common areas and the common property comprised in the building will be maintained by the strata company to a standard of maintenance and appearance (including the timing and scope of any upgrade program for the maintenance, repair or renovation of the building) which is necessary or desirable in order to ensure as far as is reasonably practicable that the quality of materials used are not of any lesser quality than were used in original construction and that the appearance is maintained as far as it reasonably practicable equivalent to the state of appearance immediately following original construction. The strata company shall be responsible for the costs of maintaining the building to that standard.
- (2) The strata company shall:
 - (a) employ the services of a contractor to maintain the general cleanliness of the common property; and

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- (b) make proper security arrangements for the building as a whole.

39. Rights of Original Proprietor

While the original proprietor remains as owner of any lot in the strata plan and its servants and/or agents shall be entitled to utilise any lot in the building of which it remains as owner as a display unit for the purpose of allowing the prospective purchasers of any such lot or lots in the said building to inspect such lot or lots.

40. Exclusive Use – Air Conditioning Plants

The proprietors for the time being of the lots shall be entitled to the exclusive use and enjoyment of those parts of the common property where air conditioning plants are located that exclusively service their lot. Each such proprietor and the proprietor's contractors and employees shall be entitled to access to the air conditioning plant located on the relevant exclusive use area and the proprietor shall be responsible for:

- (a) the cleaning and maintenance of that exclusive use area;
- (b) the operation, maintenance and replacement of the air conditioning equipment; and
- (c) making good any damage caused to the common property by the installation, operation, maintenance or replacement of the air conditioning equipment.

41. Zoning

The proprietor of a lot is to comply with the zoning use of the lot and common property.

42. Boundary Fencing

A proprietor of a lot will not erect any dividing fence on the boundary between the lot.

43. Structural Alterations

A proprietor of a lot will not cause or permit any structure to be erected or any alteration of a structural kind to, or extension of a structure to be made on his lot if the carrying out of the proposal:-

- (a) would result in an increase in the building area of any existing building on the lot; or
- (b) would result in the external form of the structure not being uniform and complimentary to the architectural theme, character, colours and materials of other structures on lots.

44. Maintenance

Subject to and in accordance with by-law 36, a proprietor, occupier or other resident of a lot will keep that lot at all times properly repaired and maintained, in all cases will only use good quality materials and properly qualified persons.

45. [Relocated to Schedule 2 as per Schedule 5 clause 4 of the Strata Titles Act 1985]

46. Additional Powers

The strata company has the following powers:

- (a) to assist a proprietor in the service and maintenance of a lot;
- (b) to incur costs and expenses in assisting a proprietor as set out in this by-law and to recover those costs as a levy as provided in by-law 48;
- (c) to enter into contracts and do all things necessary to carry into effect the matters referred to above.

47. Attorney Rights

To the extent required to enable the strata company to exercise its powers under by-law 46 the strata company is authorised to act on behalf of the proprietors and sign documents as their attorney.

48. Additional Levy

At least once in each month the strata company,

- (a) can determine its costs and expenses (the "Assistance Costs") in providing the services referred to in by-law 46; and
- (b) in accordance with section 42B of the Act will levy a special contribution, of the amount specified in by-law 49, on the proprietors to whom the strata company has provided any of the services referred to in by-law 46.

49. Additional Amount of Levy

The amount of each levy referred to in by-law 48 will be an amount reasonably determined by the strata company based on that proportion of the Assistance Costs as the number of days each lot proprietor's lot has been serviced or maintained with the assistance of the strata company is to the number of days all lots in the strata plan have been serviced or

maintained during the relevant month with the assistance of the strata company (but taking into account the additional cost and time involved in servicing any lot compared with other lots). Each levy will be due and payable by the relevant lot proprietor on the fourth day of the month following the month in which the levy is struck.

50-54. [Relocated to Schedule 2 as per Schedule 5 clause 4 of the Strata Titles Act 1985]

55. Levies in Connection with Lifts and Atrium

Levies for any costs arising in connection with or attribute to the lift, atrium facilities or the upper level residential common property areas, and so much of any costs that are greater than would otherwise be the case where it not for the lift, atrium facilities or the upper level residential common property areas, will be levied only against the upper level residential lots (in proportion to their respective unit entitlements) and not against the ground level commercial lots.

56. Exclusive Use – Commercial Lot Toilet Facilities

The proprietors for the time being of the ground floor commercial lots 14 and 15 shall be entitled to the joint use and enjoyment of those toilet facilities on the ground floor that adjoin their respective lots to the exclusion of the proprietors for the time being of all other lots (and which are marked "TOILETS AND ENTRY EX 14 & 15" and "TOILETS AND ENTRY EX 16 & 17" on the sketch plan annexed to this management statement). The proprietors for the time being of the ground floor commercial lots 16 and 17 shall be entitled to the joint use and enjoyment of those toilets facilities on the ground floor adjoining their respective lots to the exclusion of the proprietors of the time being of all other lots. The proprietors of lots 14 and 15 shall jointly and severally, and the proprietors of lots 16 and 17 shall jointly and severally, be responsible to the strata company in relation to their adjoining toilet facilities respectively for:

- (a) the cleaning and maintenance of that exclusive use area;
- (b) the operation, maintenance and replacement of any equipment installed in that exclusive use area; and
- (c) making good any damage caused to the common property by the installation, operation, maintenance or replacement of any equipment in that exclusive use area.

As between the proprietors for the time being of the lots 14 and 15 and lots 16 and 17 respectively, they will be liable to contribute in proportion to their respective unit entitlements, the costs associated with the meeting of the obligations referred to above.

57. Exclusive Use – Encroaching Balcony Areas

The proprietors for the time being of the residential lots that have adjoining balconies (shown as a dashed outlined on the location plan of the strata plan) shall be entitled to the exclusive use and enjoyment of those balconies which respectively adjoins each such lot to the exclusion of the proprietors for the time being of all other lots respectively. The proprietors of each such lots shall be liable for and responsible to the strata company in relation to their respective abutting balcony areas for:

- (a) the cleaning and maintenance of that exclusive use area;
- (b) the operation, maintenance and replacement of any equipment installed in that exclusive use area; and
- (c) making good any damage caused to the common property by the installation, operation, maintenance or replacement of any equipment in that exclusive use area.

Where any restriction, rule or analogous obligation applied under the by-laws in respect of the use of a lot, then that restriction, rule or analogous obligation is deemed to apply to any area the subject of this exclusive use by-law, as if that area was also part of the applicable abutting strata lot area. The foregoing exclusive use provision is subject to the proviso that for the purposes of maintaining building insurance and public liability insurance, the hachured areas are common areas and will be insured under the applicable policies established by the strata company.

The strata company is authorised by this by-law to make application (and to affix its common seal to the same) to the Registrar of Titles pursuant to section 8A of the Act for the registration of a plan of re-subdivision which includes as the common property of the strata company the cubic airspace into which the balconies (shown as a dashed outlined on the located plan of the strata plan) encroach into airspace. The proposed allocation of unit entitlement upon such re-subdivision will be the same as applicable upon the first registration of the strata plan, provided always that, in the event that a licensed valuer appointed by the original proprietor determines otherwise, it is deemed agreed by virtue of this by-law that the proposed unit entitlement will be as proposed by that valuer.

58. Exclusive Use – Windows and Doors

Windows and doors (and attached furniture and paint) which form part of an external boundary to a lot (whether being a boundary to a common area or to an external boundary) will be for the exclusive use and enjoyment of the lot which abuts such window or door respectively, to the exclusion of all other proprietors. The proprietors of such lots shall be liable for and responsible to the strata company in relation to their respective abutting windows and doors in respect of the cleaning and maintenance and replacement where necessary of the same PROVIDED THAT:

- (a) where any restriction, rule or analogous obligation applies under the by-laws in respect of the use of a lot, then that restriction, rule or analogous obligation is

deemed to apply to any area the subject of this exclusive use by-law, as if that area was also part of the applicable abutting strata lot area;

- (b) the appearance of the window or door from the outside of the respective lot must be maintained to be consistent with the other lots;
- (c) the security arrangements existing from time to time under by-law 26 and security obligations under these by-laws generally must not be prejudiced at any time.

59. Interpretation

In these by-laws, but subject to the provisions of the Act and unless a contrary intention appears, the following terms have the following meanings:

“Act” means the Strata Titles Act 1985.

“Approved Contractor” means a person or entity approved by resolution of the strata company to be a person approved to carry out maintenance, repair or replacement work of any kind to a service in or near the building.

“Government Agency” means any government or semi-governmental administrative, fiscal or judicial department, commission, authority, tribunal, agency or entity (and “Government Agencies” has a corresponding meaning);

“Managing Agent” means the person or entity appointed by the strata company as its managing agent and, in absence of a managing agent, the secretary of the strata company;

“Security Key” means a key, magnetic card or other device used to open doors, gates or locks to operate alarms, security systems or communication systems in the building or the common property.

References to:

- (a) an “invitee” includes in the case of any ground floor commercial lot, customers or browsing members of the public;
- (b) a “building” means the building constructed on the parcel of land comprised in the strata plan; and
- (c) words defined in the Act have the same meaning where used in these by-laws.

60. Costs Recovery

- (1) For the purposes of these by-laws:
 - (a) Act means the Strata Titles Act 1985.
 - (b) Costs include, without limitation:
 - (i) the strata manager’s costs;

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- (ii) debt recovery costs;
 - (iii) legal costs and disbursements on a solicitor and own client indemnity basis;
 - (iv) costs of any consultants and experts;
 - (v) costs of any security guards or contractors engaged by the strata company to:
 - (A) respond to any breach of the by-laws or the Act; or
 - (B) attempt to prevent any further breaches of the by-laws or the Act; and
 - (vi) costs of any employees of and contractors to the strata company preparing for or being involved in the Legal Proceedings.
- (c) Legal Proceedings include, without limitation:
- (i) the issuing of a notice alleging a breach of the Act or by-laws that could lead to an application to the State Administrative Tribunal (SAT), a tribunal or any court;
 - (ii) an application to a court, or any other tribunal:
 - (I) to recover any amount of money owing to the strata company by an owner; or
 - (II) for any other matter;
 - (iii) an application to SAT for relief under the Act, which includes without limitation any order, interim order or declaration made by SAT; and
 - (iv) an application for leave to appeal to the Supreme Court or the Court of Appeal from an order of SAT or another court order and any further appeals related to that appeal.
- (2) An owner will indemnify the strata company and each of its employees, agents, contractors, sub-contractors and authorised representatives against any injury, harm, loss or damage suffered or incurred by them as a result of any breach of these by-laws or the Act by the owner or any of the occupiers of the owner's lot (Owner Indemnity).
- (3) Without limiting the Owner Indemnity, an owner (Specified Owner) will pay on demand the whole of the strata company's Costs incurred in relation to any or all of the following:
- (a) recovering outstanding contributions levied by the strata company on that Specified Owner pursuant to either or both section 43 or 100 of the Act;
 - (b) recovering any outstanding amounts otherwise owing from the Specified Owner to the strata company under either or both the Act or these by-laws;

- (c) making good any damage to the common property or personal property of the strata company caused by:
 - (i) the Specified Owner or an occupier of the Specified Owner's lot;
 - (ii) an invitee of the Specified Owner; or
 - (iii) an invitee of the occupier of the Specified Owner's lot;
 - (d) remedying a breach of the by-laws or the Act committed by:
 - (i) the Specified Owner; or
 - (ii) an occupier of the Specified Owner's lot;
 - (e) rectifying any unauthorised works on common property undertaken as a result of an instruction or action of the Specified Owner or occupier of the Specified Owner's lot;
 - (f) all Legal Proceedings taken by the strata company against the Specified Owner or an occupier of the Specified Owner's lot;
 - (g) all Legal Proceedings taken by the Specified Owner against the strata company or in which the strata company becomes involved and the Specified Owner is not successful or is only partly successful in those Legal Proceedings; and
 - (h) all Legal Proceedings taken by:
 - (i) an occupier of the Specified Owner's lot; or
 - (ii) a mortgagee of the Specified Owner's lot,against the strata company or in which the strata company becomes involved and that occupier or mortgagee (as the case may be) is not successful or is only partly successful in those Legal Proceedings.
- (4) The council of the strata company is empowered:
- (a) to include the amount of the Costs in the amounts to be raised for the purposes of section 100(1)(a) of the Act; and
 - (b) raise the amount of the Costs by levying a contribution for those Costs solely on that Specified Owner in accordance with section 100(1)(c)(ii) of the Act.
- (5) The Costs are also recoverable by the strata company against the Specified Owner as a liquidated debt and the strata company may take action for the recovery of those amounts in any court of competent jurisdiction.

61. Approval Costs – Owner Applications to Strata Company

- (1) In this by-law:

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- (a) **Act** means the Strata Titles Act 1985 (WA).
 - (b) **Council** means the council of the strata company.
- (2) An owner (**Applicant**) must submit any application requiring strata company approval (**Application**) to the Council:
 - (a) using any approved form required by the Council from time to time; and
 - (b) with all of the necessary supporting information required by the approved form, otherwise requested by the Council or as might otherwise be reasonably required in order for the Council to properly consider the Application annexed to it.
- (3) An Applicant is responsible for all costs incurred by the strata company arising from that owner submitting an Application, the Council reviewing that Application, the arrangements for and conduct of any vote in relation to the Application and confirming the outcome of that vote (**Application Costs**), including but not limited to applications for approval to:
 - (a) alter common property;
 - (b) install a utility or sustainability conduit or infrastructure in accordance with the Act; or
 - (c) alter a structure within a lot in accordance with the Act.
- (4) After receiving an Application, the Council must review and properly consider that Application (**Review**).
- (5) For the purpose of a Review the Council is empowered to:
 - (a) request further information from the Applicant;
 - (b) where appropriate, make the necessary arrangements for the Application to be put to a vote of the strata company either at a general meeting or by a resolution outside of a general meeting;
 - (c) include the amount of any Application Costs in the amounts to be raised for the administrative fund; and
 - (d) raise the amount of these Application Costs by levying a contribution for those Costs solely on the Applicant in accordance with this by-law.
- (6) If any Application Costs levied to an Owner in accordance with this by-law remain outstanding for more than fourteen (14) days after the date on which they are due, the strata company may recover those Application Costs from the Applicant as a liquidated debt in a court of competent jurisdiction, together with the expenses incurred in recovering the Application Costs, including but not limited to legal expenses on a solicitor and own client full indemnity basis.

62. Insurance Excess

- (1) In this by-law:
- (a) Act means the Strata Titles Act 1985 (WA).
 - (b) Lot means a lot within the strata scheme.
 - (c) Owner or Occupier have the meanings given to them in the Act.
 - (d) Strata Company means the strata company established on registration of the scheme.
- (2) An Owner (Designated Owner) is responsible for the cost of any insurance excess payable by the Strata Company in relation to or arising from any insurance claim made against the Strata Company's insurance policy (Excess Costs), where that insurance claim arises from any loss or damage to any:
- (a) part of the building structure within that Designated Owner's Lot;
 - (b) part of the common property structure surrounding the Designated Owner's Lot (Adjacent Common Property);
 - (c) of the fixtures and improvements made to that Designated Owner's Lot; or
 - (d) part of the common property or personal property of the Strata Company, other than the Adjacent Common Property,
- that was caused or contributed to by the Designated Owner, any Occupier of their Lot or any employee, agent, contractor, sub-contractor, licensee or invitees of the Designated Owner or the Occupier.
- (3) The responsibility to pay Excess Costs under this by-law includes, but is not limited to, any insurance claim for damage, breakage or loss, whether accidental or otherwise to:
- (a) glass (including windows, doors, shower screens and mirrors); and
 - (b) porcelain, vitreous china, stone, granite, wood or similar fixtures (such as vanity basins, benchtops and flooring).
 - (c) any structure within or forming part of the Designated Owner's Lot
- (4) The council of the Strata Company is empowered and authorised in accordance with section 100(3) of the Act to:
- (a) include the amount of the Excess Costs in the amounts to be raised for the purposes of section 100(1)(a) of the Act; and
 - (b) raise the amount of the Excess Costs by levying a contribution for those Excess Costs solely on the Designated Owner in accordance with section 100(1)(c)(ii) of the Act.



- (5) If any Excess Costs remain outstanding for more than fourteen (14) days, the Strata Company may recover that Excess Costs from the Designated Owner as a liquidated debt in a court of competent jurisdiction, together with the expenses incurred in recovering the Excess Costs, including but not limited to legal expenses on a solicitor and own client full indemnity basis.

63. Strata Company Financial Year

The Financial Year of the strata company is the period of 12 months ending September 30.

Conduct by-laws

1. Vehicles and parking

- (1) An owner or occupier of a lot must take all reasonable steps to ensure that the owner's or occupier's visitors comply with the scheme by-laws relating to the parking of motor vehicles.
- (2) An owner or occupier of a lot must not park or stand any motor or other vehicle on common property except with the written approval of the strata company.

2. Use of common property

An owner or occupier of a lot must —

- (a) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment of the common property by other owners or occupiers of lots or of their visitors; and
- (b) not use the lot or permit it to be used in such manner or for such purpose as causes a nuisance to an occupier of another lot (whether an owner or not) or the family of such an occupier; and
- (c) take all reasonable steps to ensure that the owner's or occupier's visitors do not behave in a manner likely to interfere with the peaceful enjoyment of an owner or occupier of another lot or of a person lawfully using common property; and
- (d) not obstruct lawful use of common property by any person.

3. Damage to lawns etc. on common property

Except with the approval of the strata company, an owner or occupier of a lot must not —

- (a) damage any lawn, garden, tree, shrub, plant or flower on common property; or
- (b) use any portion of the common property for the owner's or occupier's own purposes as a garden.

4. Behaviour of owners and occupiers

An owner or occupier of a lot must be adequately clothed when on common property and must not use language or behave in a manner likely to cause offence or embarrassment to an owner or occupier of another lot or to any person lawfully using common property.

5. [Deleted]

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6. Depositing rubbish etc. on common property

An owner or occupier of a lot must not deposit or throw on that lot or any other lot or the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of an owner or occupier of another lot or of any person lawfully using the common property.

7. Drying of laundry items and signage

An owner or occupier of a lot must not, except with the consent in writing of the strata company—

- (a) hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the building, other than for a reasonable period on any lines provided by the strata company for the purpose; or
- (b) display any sign, advertisement, placard, banner, pamphlet or like matter on any part of their lot in such a way as to be visible from outside the building.

8. Storage of inflammable liquids etc.

An owner or occupier of a lot must not, except with the written approval of the strata company, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material, other than chemicals, liquids, gases or other materials used or intended to be used for domestic purposes, or any such chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

9. Moving furniture etc. on or through common property

An owner or occupier of a lot must not transport any furniture or large object through or on common property within the building unless that person has first given to the council sufficient notice of their intention to do so to enable the council to arrange for its nominee to be present at the time when that person does so.

10. Floor coverings

An owner of a lot must ensure that all floor space within the lot (other than that comprising kitchen, laundry, lavatory or bathroom) is covered or otherwise treated to an extent sufficient to prevent the transmission therefrom of noise likely to disturb the peaceful enjoyment of an owner or occupier of another lot.

11. Garbage disposal

An owner or occupier of a lot must —

- (a) maintain within their lot, or on such part of the common property as may be authorised by the strata company, in clean and dry condition and adequately covered, a receptacle for garbage;
- (b) comply with all local laws relating to the disposal of garbage;
- (c) ensure that the health, hygiene and comfort of an owner or occupier of any other lot is not adversely affected by their disposal of garbage.

12. Additional duties of owners and occupiers

An owner or occupier of a lot must not —

- (a) use the lot for a purpose that may be illegal or injurious to the reputation of the building; or
- (b) make undue noise in or about the lot or common property; or
- (c) keep animals or birds on the lot or the common property after notice in that behalf given to that person by the council.

13. Notice of alteration to lot

An owner of a lot must not alter or permit the alteration of the structure of the lot except as may be permitted and provided for under the Act and the by-laws and in any event must not alter the structure of the lot without giving to the strata company, not later than 14 days before commencement of the alteration, a written notice describing the proposed alteration.

14. Appearance of lot

An owner or occupier of a lot must not, without the written consent of the strata company, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.

15. Decoration of, and affixing items to, inner surface of lot

An owner or occupier of a lot must not, without the written consent of the strata company, paint, wallpaper or otherwise decorate a structure which forms the inner surface of the boundary of the lot or affix locking devices, flyscreens, furnishings, furniture, carpets and

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other similar things to that surface, if that action will unreasonably damage the common property.

16. Behaviour

A proprietor, occupier or other resident of a lot must take all reasonable steps to ensure that invitees of that person comply with these by-laws. If an invitee does not comply with these by-laws the proprietor, occupier or other resident must take all reasonable steps to ensure that the invitee immediately leaves the building and the common property.

17. Hazardous Substances

A proprietor, occupier or resident of a lot must not cause or permit or allow or suffer the smoking of any tobacco or other substance in the building or in the common areas, except that smoking will be permitted within a lot provided that all smoke is contained within the lot.

18. Compliance with By-laws and Laws

- (a) where a proprietor, occupier or other resident grants a license or lease to any other person to have access to the lot or any part of the common area, then the grantor under the lease or license agreement must take all reasonable steps, including any action available under the lease or license agreement, to ensure that any lessee or licensee of the lot and any invitees of that lessee or licensee comply with these by-laws.
- (b) A proprietor, occupier or other resident of a lot must at the proprietor's, occupier's or resident's own expense promptly comply with all laws relating to the lot including, without limitations, any requirements, notices and orders of any government agency.
- (c) A proprietor, occupier or other resident of a lot must not use the lot for any purpose that may impugn the good reputation of the building or its occupants or the businesses or practices conducted therein.

19. Appearance of a Lot

A proprietor, occupier or other resident of a lot must not:

- (a) operate or permit to be operated in or on the building or the common property any device, or electronic equipment so as to interfere with any appliance lawfully in use on the common property, another lot or another part of the building; or
- (b) without the prior written consent of the strata company attach to or hang from the exterior of the building any aerial or any security device or wires.

20. Damage to Common Property

- (a) A proprietor, occupier or other resident of a lot must not bring a permit to be brought into the building or the common property any heavy article, which might cause structural damage to the building or do or permit anything which will cause the same, or do anything which would exceed the maximum floor loading weights.
- (b) A proprietor, occupier or other resident of a lot must not do anything to damage or deface common property.
- (c) A proprietor, occupier or other resident of a lot must not interfere with any personal property vested in the strata company.
- (d) A proprietor, occupier or other resident of a lot must not interfere with the operation of any equipment installed in the common property.

21. Moving of Certain Articles

- (a) A proprietor, occupier or other resident of a lot must not move any article likely to cause damage or obstruction through the common property without first notifying the Managing Agent. The notice to the Managing Agent must be given in sufficient time to enable the Managing Agent to arrange for a representative of the strata company to be present if it is considered necessary.
- (b) A proprietor, occupier or other resident of a lot may only move an article likely to cause damage or obstruction through the common property in accordance with the directions of the Managing Agent or the representative of the strata company.

22. Security of Common Property

A proprietor, occupier and other resident of a lot must not do or permit anything which may prejudice the security or safety of the building and, in particular, must ensure that all fire and security doors are kept locked or secure or in an operational state, as the case may be, when not in immediate use.

23. Notification of Defects

A proprietor, occupier or other resident of a lot must promptly notify the Managing Agent of any damage to or defect in the common property or any personal property vested in the strata company.

24. Garbage

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- (a) A proprietor, occupier or other resident of a lot must not deposit or throw on the common property any garbage except in a receptacle or area specifically provided for that purpose.
- (b) A proprietor, occupier or other resident of a lot must dispose of garbage in the following manner:
 - (1) all contaminated waste or items must be disposed of in accordance with the requirements from time to time of all government agencies or any law; and
 - (2) all other garbage must be drained and securely wrapped.

25. Storage of Flammable Liquids

A proprietor, occupier or other resident of a lot can, with the prior written consent of the strata company, use or store on the lot or on common property any flammable chemical, liquid, gas or other material used or intended to be used for medical or pharmaceutical purposes, and schedule 2 by-law 8 is amended to the extent necessary to include this exception.

26. Signs

- (a) Subject to by-law 26(b), neither the strata company nor a proprietor, occupier or other resident of a lot may affix or exhibit any sign, light, advertisement, name or notice to or on any part of the building or the common property, provided that the strata company will erect or install a directory board or notice and appropriate directional signs in the common property to notify invitees of the existence of the residences or businesses operated within the building and provide directions.
- (b) A proprietor or occupier of a ground floor commercial lot may with the prior written consent of the strata company affix or exhibit (either within the lot or on the common property) signs, lights, advertisements, names or notices which are visible from outside the building, provided that the result will remain in keeping with the character of the building and will continue to maintain an appropriately conservative and professional appearance of the building.

27. Fire Control

- (a) A proprietor, occupier or other resident of a lot must not use or interfere with any fire safety equipment except in the case of an emergency and must not obstruct any fire stairs or fire escape.
- (b) The strata company or a proprietor, occupier or other resident of a lot must, in respect of the common property or the relevant lot, as appropriate:
 - (1) consult with any relevant Government Agency as to an appropriate fire alarm and fire sprinkler system for the building, the common property or the lot;

- (2) ensure the provision of all adequate equipment to prevent fire or spread of fire in or from the building or the lot to the satisfaction of all relevant Government Agencies; and
- (3) ensure compliance with fire laws in respect of the building, the common property and the lot (as the case may be).

28A. Curtains / Louvres

- (a) A proprietor, occupier and other resident of a lot must not hang curtains, blinds or louvres visible from outside the lot unless those curtains, blinds or louvres have a backing of such colour and design as are approved by the strata company.
- (b) A proprietor, occupier and other resident of a lot must not install, renovate and/or replace a curtain, blind or louvre without having the colour and design of the backing approved by the strata company.
- (c) In giving its approval, the strata company must ensure so far as practicable that backing used in all lots present a uniform appearance when viewed from outside the building.

28B. Louvres

Any proprietor of a residential lot is, if the proprietor determines that a screen is necessary for aesthetic, security or safety reasons, entitled in accordance with the following provisions of this by-law and upon first giving notice to the strata company and the proprietor of any immediately adjoining residential lot, to construct a screen (or part of a screen) in the line and in the wall space as depicted in the attached sketch plan marked "LOUVRES".

The proprietor shall:

- (a) Obtain at his own cost all necessary approvals (if any) from all relevant authorities to undertake the construction (including Local Government); and
- (b) Submit to the strata company full details of any proposed screen construction method, proposed materials and a proposed timetable for works together with a request for the strata company's approval of the same (which approval will be deemed granted in the event that the proposed screen is to be constructed in timber, of an open louvre or lattice style and is to be finished with a natural cedar colour (or substantially similar) and which screen may also include above a height of 2.2 meters above the balcony level, a glassed screen, all to be constructed during weekday daylight hours (not being a public holiday).

Provided that the strata company first approves where required the proprietor's request referred to in (b) above (as an ordinary resolution) or the approval is deemed granted, the proprietor may:

- (c) Effect the construction at its own expense in all respects:
- (i) With all works being carried out by appropriately licensed and insured contractors or employees;
 - (ii) In accordance with the submitted proposal in a proper and workmanlike manner using new materials; and
 - (iii) Without causing unreasonable interference to the proprietors and occupiers of the other lots or their employees, agents, contractors, licensees or customers;
- (d) Ensure that all work which is likely to cause noise, dust or vibration so as to unreasonably interfere with the proprietors and occupiers of the other lots, is carried out at such reasonable times as will cause the least inconvenience and security risk to any adjoining proprietor:
- (e) Comply in all respects with all statutory requirements; and
- (f) Take all steps necessary to ensure the safety of the proprietors and occupiers of the other lots and, for the duration of the construction.

It is agreed and accepted that no warranty is expressed (nor is any warranty to be implied or inferred by the giving of any consent by the strata company including pursuant to the deeming provisions of this by-law), that any constructions works referred to in this by-law are (or will be) permitted by any competent authority, and the proprietor is solely responsible and liable for satisfying all necessary requirements and laws in this regard.

28C. Screens

Any proprietor of a residential lot having a courtyard that overlooks Metters Lane is, if the proprietor determines that the existing outer screen above the courtyard rail should be moved up or down for aesthetic, security or safety reasons, entitled in accordance with the following provisions of this by-law to effect those works.

The proprietor shall:

- (a) Obtain at his own cost all necessary approvals (if any) from all relevant authorities to undertake the works (including Local Government);
- (b) Effect the works at its own expense in all respects:
 - (i) with all works being carried out by appropriately licensed and insured contractors or employees;
 - (ii) in accordance with the submitted proposal in a proper and workmanlike manner using new materials; and
 - (iii) without causing unreasonable interference to the proprietors and occupiers of the other lots or their employees, agents, contractors, licensees or customers;
- (c) Ensure that all work which is likely to cause noise, dust or vibration so as to unreasonably interfere with the proprietors and occupiers of the other lots, is carried out at such reasonable times as will cause the least inconvenience and security risk to any adjoining proprietor;
- (d) Comply in all respects with all statutory requirements; and
- (e) Take all steps necessary to ensure the safety of the proprietors and occupiers of the other lots and, for the duration of the construction.

It is agreed and accepted that no warranty is expressed (nor is any warranty to be implied or inferred pursuant to the provisions of this by-law), that any works referred to in this by-law are (or will be) permitted by any competent authority, and the proprietor is solely responsible and liable for satisfying all necessary requirements and laws in this regard.

29. Complaints and Applications

Any complaint or application to the strata company must be addressed in writing and sent to the Managing Agent.

30. Common Property Use

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A proprietor, occupier or other resident of a lot will not use the common property or any part thereof for any purpose other than that intended at the time of registration of the strata plan or for any other purpose as may be specified by the strata company from time to time.

31. Traffic Regulations

A proprietor, occupier or other resident of a lot will observe the traffic regulations set by the strata company from time to time in respect of the common property.

32. Insurance

The strata company will:

- (a) insure and keep insured all buildings in the strata plan and all common property to the replacement value against fire, storm and tempest (excluding damage by sea, flood or erosion), lightning explosion and earthquake; and
- (b) effect and maintain insurance in respect of damage to property, death or bodily injury for which the strata company could become liable in damages in an amount of not less than \$10,000,000 or such other amount as may be prescribed in place of that amount pursuant to the Act.

33. Vehicle Use and Carparks

A proprietor, occupier or other resident of a lot will not drive or ride any motor vehicle, motorcycle, go-cart, bike, skateboard or any other vehicle or mode of transport on any part of the common property which the strata company may restrict from such use by regulation from time to time.

34. Dividing Walls Between Commercial Ground Floor Lots

Any proprietor of a ground floor commercial lot is entitled in accordance with the following provisions of this by-law and upon giving notice to the strata company and the proprietor of the immediately adjacent ground floor commercial lot, to construct a partition or wall along the boundary between relevant ground floor commercial lots if the proprietor determines that the partition or wall is necessary for security or safety reasons.

The proprietor shall:

- (a) obtain at his own cost all necessary approvals (if any) from all relevant authorities to undertake the construction;
- (b) carry out the construction:
 - (i) in a proper and workmanlike manner and using new materials;

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- (ii) in accordance with plans and specifications approved by a registered architect; and
 - (iii) without causing unreasonable interference to the proprietors and occupiers of the other lots or their employees, agents, contractors, licensees or customers
- (c) ensure that all work which is likely to cause noise, dust or vibration so as to unreasonably interfere with the proprietors and occupiers of the other lots, is carried out at such reasonable times as will cause the least inconvenience and security risk to the adjoining commercial lot proprietor;
- (d) comply in all respects with all statutory requirements; and
- (e) take all steps necessary to ensure the safety of the proprietors and occupiers of the other lots and, for the duration of the construction.

35. Rules

The strata company may from time to time prescribe rules, not inconsistent with these by-laws, for the proper management of the building. Rules may deal with (but are not limited to):

- (a) deliveries;
- (b) control of traffic;
- (c) parking of vehicles;
- (d) removal and storage of garbage and other rubbish;
- (e) building security; and
- (f) fire and emergency exercises.

36. Lithium Batteries within the Scheme

- (1) In this by-law:
- (a) **Electric Vehicle** means a land vehicle powered by an electric motor drawing electricity from a battery including a road vehicle, e-bikes, e-scooters, electric two-wheelers, golf carts, etc.
 - (b) **Lithium Battery** means a lithium-ion rechargeable battery that is used to power an Electric Vehicle.
 - (c) **Standard** means an Australian Standard, Regional Standard or International Standard, as amended from time to time, and relates to the manufacture, safety or use of a lithium-ion battery in Australia.
- (2) Each owner and each occupier acknowledge and agrees that:

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- (a) the strata company must control and manage the common property for the benefit of all owners and in accordance with its duties imposed by sections 91(1)(b), 91(1)(c) and 97 of the Act; and
- (b) the storage and/or re-charging of an Electric Vehicle or Lithium Battery may constitute a fire hazard; and
- (c) they are not permitted to bring onto the scheme an Electric Vehicle, or Lithium Battery that does not meet the current Standards that apply in Australia, from time to time.

Parking, Storage and Recharging

- (3) Each owner and each occupier agrees to:
 - (a) not park, store, and/or recharge any Electric Vehicle, and/or Lithium Battery that they bring onto the scheme, on common property.
 - (b) if the strata company deems it necessary, park, store and/or recharge any Electric Vehicle, and/or Lithium Battery that they bring onto the scheme within any available secure common property area designated for this purpose by the strata company, so as to reduce the fire hazard; and
 - (c) accept responsibility for all costs arising from or associated with any Electric Vehicle and/or Lithium Battery being brought onto the scheme by them or any of their visitors.
 - (d) not charge any Electric Vehicle, and/or Lithium Battery using common electricity supply.

Indemnity

- (4) An owner or occupier who brings an Electric Vehicle or Lithium Battery onto the scheme agrees to indemnify and keep indemnified the strata company against any loss, liability, claim, damages or costs arising out of or in connection with or caused by that Lithium Battery being on the Scheme, including any fire damage caused by a fault or misuse.

37. Restriction on Short-Stay Accommodation

- (1) In this by-law:

“**Authority**” means any local or state government department, body or agency.

“**Short-stay Accommodation**” means the use of a lot by a person which is not that person’s usual or settled place of abode on a temporary and transient basis.

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- (2) An owner of a lot must not use or allow their lot to be used as Short-stay Accommodation without first obtaining all necessary approvals, licences or grants from any Authority and shall within 14 days provide copies of the same to the strata company.
- (3) In the event of an owner obtaining the necessary approvals, licenses and grants, the owner shall provide a signed deed to the strata company which has the effect of the lot owner agreeing to indemnify the strata company against any loss suffered as a result of any damage caused by the persons or their guests using the lot as Short-stay Accommodation.

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Part 5 – By-laws of significance

[Please complete Parts 5 and 6 if making, amending or repealing a governance by-law of the kind described in Part 5 and ensure that relevant consents/approvals accompany the Scheme by-laws form]

The Applicant acknowledges that the following governance by-laws need consent from a party other than the strata company if they are to be made, amended or repealed. For more information about who these parties are, refer to the *Strata Titles Act 1985* and the *Strata Titles (General) Regulations 2019*:

By-law number(s)

Staged subdivision by-laws⁷: _____

By-law under planning (scheme by-laws) condition⁸: _____

Exclusive use by-laws⁹: Sch 1 Governance By-law 40
(existing and new) Sch 1 Governance By-law 56
Sch 1 Governance By-law 57
Sch 1 Governance By-law 58

Western Australian Planning Commission (WAPC) approval number (if applicable)¹⁰:

Leasehold by-laws¹¹: _____

⁷ Refer *Strata Titles Act 1985* section 42.

⁸ Refer *Strata Titles Act 1985* section 22.

⁹ Refer *Strata Titles Act 1985* section 43.

¹⁰ Refer *Strata Titles Act 1985* section 20. Will not be applicable for schemes registered prior to 1/5/2020.

¹¹ Refer *Strata Titles Act 1985* section 40. Will not be applicable for schemes registered prior to 1/5/2020.

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Part 6 – Accompanying documents

[Select those documents to be lodged as evidence]

- Consent Statement – Designated Interest¹² Holders for making / amendment / repeal of staged subdivision by-laws**
- Written consent of owner of each lot granted exclusive use (owners of special lots)
- Written consent of Western Australian Planning Commission (WAPC) or Local Government (as relevant) to amendment or repeal of any by-laws created in relation to a planning (scheme by-laws) condition
- Consent of the Owner of the Leasehold Scheme¹³ to leasehold by-laws or staged subdivision by-laws**
- Approval of WAPC to making, amendment or repeal of leasehold by-laws providing for postponement of the expiry day for the scheme

¹² Refer to section 3(1) of the *Strata Titles Act 1985* for the meaning of designated interest.

¹³ Owner of the leasehold scheme has the meaning in section 3(1) of the *Strata Titles Act 1985*.

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Part 7 – Execution

1. For new schemes, owners to sign here:

Date of Execution: _____
(To be signed by each Applicant)

[Insert corporation clause here, if applicable]

Signature

Signature

Full Name

Full Name

In the presence of:

In the presence of:

Witness Signature

Witness Signature

Full Name

Full Name

Address

Address

Occupation

Occupation

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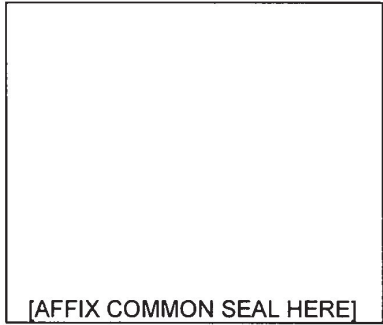
2. For existing schemes, strata company to execute here:

Common Seal¹⁴

Date of Execution: _____

The common seal of¹⁵

is fixed to this document in accordance with the *Strata Titles Act 1985* section 118(1) in the presence of:



[AFFIX COMMON SEAL HERE]

Member of Council¹⁶:

Member of Council¹⁶

Signature

Signature

Full Name

Full Name

OR

Not executed under Common Seal¹⁴

Date of Execution: 26/03/2025

Signed for an on behalf of¹⁴ The Owners of 7 Centro Avenue, Subiaco Strata Scheme 38785 in accordance with the *Strata Titles Act 1985* section 118(2):

Member of Council / Strata Manager of strata company¹⁷:

Member of Council / Strata Manager of strata company¹⁶

Signature

Signature

Matthew Bird
Full Name¹⁸

Full Name

¹⁴ See SIG-14 for execution of documents by a strata company.

¹⁵ Insert the name of the strata company (i.e. The Owners of + scheme name + scheme type + scheme number), e.g. The Owners of Pretty Ponds Survey-Strata Scheme 12345.

¹⁶ The common seal must be witnessed by 2 members of council.

¹⁷ Select whichever is applicable.

¹⁸



TRANSACTION ID
Q367101 SB
28 Mar 2025 15:22:31 Perth



SB Scheme By-laws

Lodged by:¹⁹ **Dominion Strata Management**

Address: **PO Box 8119 Subiaco East WA 6008**

Phone Number: **1300 454 399**

Fax Number: _____

Reference Number: _____

Issuing Box Number: **888V**

Instruct if any documents are to issue to other than Lodging Party

Prepared by: **Dominion Strata Management**

Address: **PO Box 8119 Subiaco East WA 6008**

Phone Number: **1300 454 399**

Fax Number: _____

Reference Number: _____

Titles, Leases, Evidence, Declarations etc. lodged herewith

1. _____
2. _____
3. _____
4. _____
5. _____

OFFICE USE ONLY

Landgate Officer

Number of Items Received: 1

Landgate Officer Initial: *[Signature]*

¹⁹ Lodging Party Name may differ from Applicant Name.
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