



OFFICE USE ONLY

O585047 SB

14 Dec 2020 08:30:00 Midland

SB Scheme By-laws – First Consolidation

Lodged by:¹² Empire Estate Agents

Address: PO Box 1176
EAST VICTORIA PARK WA 6981

Phone Number: (08) 9262 0400

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Reference Number: _____

Issuing Box Number: _____

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

Prepared by: Empire Estate Agents

Address: PO Box 1176
EAST VICTORIA PARK WA 6981

Phone Number: (08) 9262 0400

Fax Number: (08) 9262 0411

Reference Number: _____

Titles, Leases, Evidence, Declarations etc. lodged
herewith

1. _____

2. _____

3. _____

4. _____

5. _____

OFFICE USE ONLY

Landgate Officer

Number of Items Received: _____

Landgate Officer Initial: _____

¹² Lodging Party Name may differ from Applicant Name.



Approved Form 2020-17815

SB

Scheme By-laws – First Consolidation

Strata Titles Act 1985

Part 4 Division 4

Scheme Number: **31124**

The Owners of **11 Gochean Avenue, Bentley – Strata Plan 31124** (strata company):

Part 1 – First Consolidation

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), applies to the Registrar of Titles to register an amendment to the strata titles scheme by registration of a consolidated set of scheme by-laws.

[Note that no resolution is required if the strata company is just reflecting the by-law changes set out in the legislation, classifying by-laws as governance or conduct, repealing invalid by-laws and then renumbering as required.]

Part 2 – Application to Amend

In compliance with the *Strata Titles Act 1985* Section 56 and Schedule 5 clause 4 and the *Strata Titles (General) Regulations 2019* Regulation 180(1), applies to the Registrar of Titles to register an amendment to the strata titles scheme by amending the scheme by-laws and registering a consolidated set of scheme by-laws.

and certifies that:

By resolution without dissent, the voting period for which opened on **23/09/2020** and closed on **21/10/2020** (and which must be registered within 3 months from closing date) the ☒ **additions/** ☐ **amendments/** ☐ **repeal**² to the Governance by-laws were made as detailed here.

18. DEBT RECOVERY

- (a) That subject to paragraphs (b) and (c), the Annual contributions levied on each Owner are payable Quarterly in advance (four instalments), and
- (b) In the event an Owner fails to pay monies recoverable under Section 94(4) & (5) or section 100(1) & 100(2) or any other special levy raised in accordance with the Act by the due date, then the costs of the Strata company associated with the collection thereof including debt collection expenses and solicitors fees (on a solicitor/client base), shall be recoverable from that Owner.

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

² Select one.



- (c) Levies in arrears more than three (3) months will be placed in the hands of a Debt Collection agency for recovery.

19. PENALTY FOR BREACHES OF BY-LAWS

If a proprietor or occupier breaches the Section 39 by law and if, after notice of that breach is given to the proprietor or occupier (as the case may be) by the strata company, that proprietor or occupier breaches such by-law in the same, or materially same manner, then the strata company may take such lawful action as it deems necessary to prevent such breaches continuing in the future (including, without limitation, by application to the State Administrative Tribunal for an order to compel the proprietor or occupier to comply with the by-law) liable to pay a penalty of \$500.00 and any costs incurred by the strata company in so doing shall be recoverable from the proprietor or occupier in default as a debt by the strata company in a court of competent jurisdiction.

The strata company further certifies that the consolidated by-laws provided in **Part 3** are all the current by-laws for the scheme.



Part 3 – Consolidated By-laws of Scheme Number: 31124

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 by Strata Titles Amendment Act 2018

3. POWER OF STRATA COMPANY REGARDING SUBMETERS

- (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-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-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 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.
- (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.
- (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-by-law (8); or
 - (f) if the Tribunal orders that the member's appointment is revoked and the member is removed from office.

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.

- (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-by-law (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 —

- (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-bylaw (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 211) of votes are to be declared elected to the council.
- (9) If the number (in terms of lots or unit entitlements as required under the Strata Titles Act 1985 section 211) 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

- (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 —

- (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 by Strata Titles Amendment Act 2018

16. AIR-CONDITIONER: PROPRIETORS SPECIAL PRIVILEGES OVER AND RIGHT OF EXCLUSIVE USE OF COMMON PROPERTY

- (1) In this bylaw,

"Air-Conditioner" means, in respect of each proprietor, an air-conditioner that is used solely for the benefit of that proprietor. It includes all ancillary equipment, such as fixings, wiring, pipes, cables and ducts necessary for the installation and safe operation and use of the Air-Conditioner.

"Permitted Air-Conditioner" means, in respect of each proprietor, an Air-Conditioner permitted by the Council to be fixed to, attached to or placed in or on the common property.

- (2) Any proprietor who seeks the permission of the Council referred to in sub-bylaw (1) shall provide such evidence in support of the application for permission as the Council shall reasonably specify.
- (3) The permission of the Council referred to in sub-bylaw (1) must be in writing and may be subject to such conditions as the Council may from time to time reasonably determine, including, but not limited to, conditions as to the installation process, capacity, noise

Version 1.1 – Updated 07/05/2020.

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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.

levels, position, method of fixing, hours of operation and style and type of Air-Conditioner.

- (4) The permission of the Council referred to in sub bylaw (1) may be withdrawn, as the Council may from time to time reasonably determine.
- (5) The Council is not obliged to permit the installation of any Air-Conditioner.
- (6) Each of the proprietors shall have, subject to compliance by them with sub-bylaw (7), the special privilege of installing and keeping a Permitted Air-Conditioner on the common property and the exclusive use of the common property cubic space occupied by a Permitted Air-Conditioner.
- (7) Each proprietor granted rights by sub-bylaw (6) shall:
 - (a) install the Permitted Air-Conditioner at his own cost;
 - (b) not alter, modify, erect, add to, demolish or remove the Permitted Air-Conditioner without the written approval of the Council;
 - (c) keep any part of the Permitted Air-Conditioner that is visible from any part of the parcel clean and free from corrosion and unsightly marks or objects;
 - (d) ensure that the use of the Permitted Air-Conditioner does not cause a nuisance to a proprietor, occupier or other resident of any other lot, nor unreasonably interfere with the quiet and peaceful enjoyment of any part of the parcel;
 - (e) allow the Strata Company by its councillors, agents, employees and contractors to enter upon his lot to inspect and carry out works on common property, after giving reasonable notice;
 - (f) at his own cost, keep in good and serviceable repair, properly maintain and, where necessary, renew and replace the Permitted Air-Conditioner and do so whether damage or deterioration arises from fair wear and tear, inherent defect or any other cause;
 - (g) remove the Permitted Air-Conditioner after having received notice from the Council of being required to so;
 - (h) on the written request of the Council, make good any damage caused by the installation, repair, maintenance renewal, replacement and removal of the Permitted Air-Conditioner, at his own cost and to the reasonable satisfaction of the Council;
 - (i) indemnify the Strata Company and the Council against all actions, claims, demands, suits or causes of action arising out of any wilful or negligent act or omission or breach of duty of care in respect of the Permitted Air-Conditioner; and
 - (j) obtain and ensure that all occupiers of the lot obtain comprehensive insurance to adequately cover all actions, claims, demands, suits or causes of action referred to in sub-bylaw 7(i) and, upon demand by the Council, produce evidence that such insurance has been obtained and is current.
- (8) If a proprietor fails to comply with sub-bylaw (7)(f), (g) or (h), after giving that proprietor reasonable notice, the Council may arrange and carry out all works required. The costs of any such works may be recovered from that proprietor as if such costs were a contribution levies pursuant to section 94(1) of the Act.

17. ROOF ATTACHMENTS: PROPRIETORS SPECIAL PRIVILEGES OVER AND RIGHT OF EXCLUSIVE USE OF COMMON PROPERTY

(1) In this by-law,

"Roof Attachments" means collectively, in respect of each proprietor, television antennae, satellite television receivers, wind-powered roof ventilators and skylights (fixed or opening) that are used solely for the benefit of that proprietor. It includes all ancillary equipment, such as fixings, wiring, pipes, cables and ducts, necessary for the installation and safe operation and use of the Roof Attachments.

"Permitted Roof Attachments" means, in respect of each proprietor, Roof Attachments permitted by the Council to be fixed to, attached to or placed in or on the common property.

- (2) Any proprietor who seeks the permission of the Council referred to in sub-by-law (1) shall provide such evidence in support of the application for permission as the Council shall reasonably specify.
- (3) The permission of the Council referred to in sub-by-law (1) must be in writing and may be subject to such conditions as the Council may from time to time reasonably determine, including, but not limited to, conditions as to the installation process, capacity, noise levels, position, method of fixing, and style and type of Roof Attachments.
- (4) The permission of the Council referred to in sub-by-law (1) may be withdrawn, as the Council may from time to time reasonably determine.
- (5) The Council is not obliged to permit the installation of any Roof Attachments and shall not permit the installation of any Roof Attachments that would not be in keeping with the rest of the improvements on the parcel.
- (6) Each of the proprietors shall have, subject to compliance by them with sub-by-law (7), the special privilege of installing and keeping the Permitted Roof Attachments on the common property and the exclusive use of the common property cubic space occupied by the Permitted Roof Attachments.
- (7) Each proprietor granted rights by sub-by-law (6) shall:
 - (a) Install any Permitted Roof Attachments at his own cost;
 - (b) not alter, modify, erect, add to, demolish or remove the Permitted Roof Attachments without the written approval of the Council;
 - (c) keep any parts of the Permitted Roof Attachments that are visible from any part of the parcel clean and free from corrosion and unsightly marks or objects;
 - (d) ensure that the use of the Permitted Roof Attachments does not cause a nuisance to a proprietor, occupier or other resident of any other lot, nor unreasonably interfere with the quiet and peaceful enjoyment of any part of the parcel;
 - (e) allow the Strata Company by its councillors, agents, employees and contractors to enter upon his lot to inspect and carry out works on common property, after giving reasonable notice;
 - (f) at his own cost, keep in good and serviceable repair, properly maintain and,

where necessary, renew and replace the Permitted Roof Attachments and do so whether damage or deterioration arises from fair wear and tear, inherent defect or any other cause;

- (g) remove the Permitted Roof Attachments after having received notice from the Council of being required to do so;
 - (h) on the written request of the Council, make good, at his own cost and to the reasonable satisfaction of the Council, any damage caused by the installation, repair, maintenance renewal, replacement and removal of the Permitted Roof Attachments;
 - (i) indemnify the Strata Company and the Council against all actions, claims, demands, suits or causes of action arising out of any wilful or negligent act or omission or breach of duty of care in respect of the Permitted Roof Attachments; and
 - (j) obtain and ensure that all occupiers of the lot obtain comprehensive insurance to adequately cover all actions, claims, demands, suits or causes of action referred to in sub-by-law 7(i) and, upon demand by the Council, produce evidence that such insurance has been obtained and is current.
- (8) If a proprietor fails to comply with sub-by-law (7)(f), (g) or (h), after giving that proprietor reasonable notice, the Council may arrange and carry out all works required. The costs of any such works may be recovered from that proprietor as if such costs were a contribution levied pursuant to section 36(1) of the Act

18. DEBT RECOVERY

- (a) That subject to paragraphs (b) and (c), the Annual contributions levied on each Owner are payable Quarterly in advance (four instalments), and
- (b) In the event an Owner fails to pay monies recoverable under Section 94(4) & (5) or section 100(1) & 100(2) or any other special levy raised in accordance with the Act by the due date, then the costs of the Strata company associated with the collection thereof including debt collection expenses and solicitors fees (on a solicitor/client base), shall be recoverable from that Owner.
- (c) Levies in arrears more than three (3) months will be placed in the hands of a Debt Collection agency for recovery.

19. PENALTY FOR BREACHES OF BY-LAWS

If a proprietor or occupier breaches the Section 39 by law and if, after notice of that breach is given to the proprietor or occupier (as the case may be) by the strata company, that proprietor or occupier breaches such by-law in the same, or materially same manner, then the strata company may take such lawful action as it deems necessary to prevent such breaches continuing in the future (including, without limitation, by application to the State Administrative Tribunal for an order to compel the proprietor or occupier to comply with the by-law) liable to pay a penalty of \$500.00 and any costs incurred by the strata company in so doing shall be recoverable from the proprietor or occupier in default as a debt by the strata company in a court of competent jurisdiction.

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 by Strata Titles Amendment Act 2018

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

16. AIR-CONDITIONERS WITHIN LOTS

- (1) This by-law is enacted pursuant to Items 4 and 5 of Schedule 2A of the Act and is also enacted to expand further upon and clarify the duties and restrictions contained in Schedule 1 by-law 1(2)(b) and Schedule 2 by-laws 12(b) and 14 specifically in the case of air-conditioners sought to be installed within lots, so as to minimise conflict between proprietors, occupier and other residents.
- (2) No proprietor, occupier or other resident shall install an air-conditioner within his lot unless it is:
 - (a) not mounted in a window;
 - (b) a split-system air-conditioner; and
 - (c) located within a rear or side courtyard or affixed to a wall of his lot that is not visible from the front entrance to that lot.

17. PATIOS WITHIN LOTS

- (1) This by-law is enacted pursuant to Items 4 and 5 in Schedule 2A of the Act and is also enacted to expand further upon and clarify the duties and restrictions contained in Schedule 2 by-law 14 specifically in the case of patios sought to be installed within lots, so as to minimise conflict between proprietors, occupier and other residents.
- (2) No proprietor, occupier or other resident shall install a patio within his lot unless the:
 - (a) colour and design of the patio is in keeping with the rest of the improvements on the parcel;
 - (b) vertical posts are colour coated steel;
 - (c) roof framing is colour coated steel or painted timber pre-treated for termites;
 - (d) roof cladding is colour coated steel, coloured polycarbonate or shade cloth; and
 - (e) roof structure does not have a gable end.

18. CARPORT DOORS WITHIN LOTS

- (1) This by-law is enacted pursuant to Items 4 and 5 in Schedule 2A of the Act and is also enacted to expand further upon and clarify the duties and restrictions contained in Schedule 2 by-law 14 specifically in the case of carport doors sought to be installed within lots, so as to minimise conflict between proprietors, occupier and other residents.
- (2) No proprietor, occupier or other resident shall install a door to a carport within a lot unless:
 - (a) is colour coated steel; and
 - (b) the colour and design is in keeping with the rest of the improvements on the parcel.



Part 4 – By-laws of Significance

The strata company 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-laws³: _____

**By-law under planning
(scheme by-laws) condition⁴:** _____

Exclusive use by-laws⁵: **16 & 17**

³ Refer *Strata Titles Act 1985* section 42.

⁴ Refer *Strata Titles Act 1985* section 22.

⁵ Refer *Strata Titles Act 1985* section 43.



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Part 5 – Attachments

☐ **Consent Statement**, if applicable

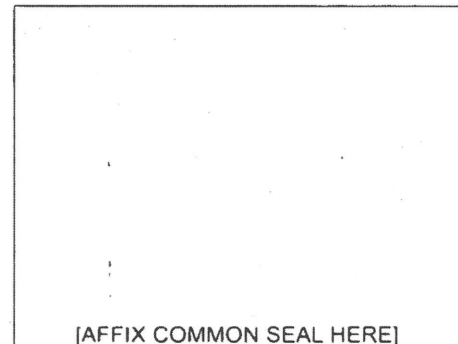
Part 6 – Execution

Date of Execution: **23/09/2020**

1. Common Seal

The common seal of the Owners of⁶

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



[AFFIX COMMON SEAL HERE]

Member of Council:

Member of Council:

Signature

Signature

Full Name

Full Name

Delegation⁷

Delegation⁷

Lot Number

Lot Number

OR

⁶ To be completed as "[scheme name + scheme type + scheme number]" under s.14(2) of the Act, e.g. Pretty Ponds Survey-Strata Plan 12345.

⁷ Expand to state whether "Authorised by [name of corporation] under s.136(2) of the Act", if applicable.

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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.



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2. No Common Seal

Signed for and on behalf of the Owners of⁸ 11 Gochean Avenue, Bentley – Strata Plan 31124
in accordance with authority conferred under section 118 of the *Strata Titles Act 1985*⁹.

☐ Member of Council / ☒ Strata Manager¹⁰:

☐ Member of Council / ☒ Strata Manager¹⁰:

[Signature]
Signature
Daryl Porcielen Hartman
Full Name
Strata Manager
Delegation¹¹

Lot Number

[Signature]
Signature
Julie Stefanic George
Full Name
Strata Manager
Delegation¹¹

Lot Number

⁸ To be completed as "[scheme name + scheme type + scheme number]" under s.14(2) of the Act, e.g. Pretty Ponds Survey-Strata Plan 12345.

⁹ Under section 118(2) of the Act, the strata company may, by ordinary resolution, authorise any of the following to execute documents on its behalf subject to any conditions or limitations specified in the resolution:

- (a) a member of the council of the strata company; or
- (b) members of the council of the strata company acting jointly; or
- (c) a strata manager of the strata company.

¹⁰ Select whichever is applicable.

¹¹ Expand to state whether "Authorised by [name of corporation] under s.136(2) of the Act", if applicable.