



OFFICE USE ONLY

Q408622 SB

02 May 2025 15:02:22 Perth



SB Scheme By-laws

Lodged by:¹⁷ **Chalmers Legal Studio**

Address: **7/82 King Street, Perth WA 6000**

Phone Number: **9360 4100**

Email Address: **corporate@chalmerslegalstudio.com.au**

Reference Number: **48457T**

Issuing Box Number: **999L**

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

Prepared by: **Chalmers Legal Studio**

Address: **7/82 King Street, Perth WA 6000**

Phone Number: **9360 4100**

Email Address: **corporate@chalmerslegalstudio.com.au**

Reference Number: **48457T**

Titles, Leases, Evidence, Declarations etc. lodged herewith

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

OFFICE USE ONLY

Landgate Officer

0

Number of Items Received:

Landgate Officer Initial:

¹⁷ Lodging Party Name may differ from Applicant Name.
Version 1

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.





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

Common Seal¹³

Date of Execution: _____

The common seal of¹⁴

**The Owners of Doncaster Village Survey Strata Scheme
47803**

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 Council¹⁵:

Member of Council¹⁵:

Signature

Signature

Full Name

Full Name

OR

Not executed under Common Seal¹³

Date of Execution: 29/4/25

Signed for and on behalf of¹⁴ **The Owners of Doncaster Village Survey Strata Scheme 47803**
in accordance with the *Strata Titles Act 1985* section 118(2):

Member of Council / Strata Manager of strata company¹⁶:

Member of Council / Strata Manager of strata company¹⁶:



Signature

Signature

Rebecca Fabjanski

Full Name

Full Name

¹³ See SIG-14 for execution of documents by a strata company.

¹⁴ 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.

¹⁵ The common seal must be witnessed by 2 members of council.

¹⁶ Select whichever is applicable.



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

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.



Part 6 – Accompanying documents

[Select those documents to be lodged as evidence]

- Consent Statement – Designated Interest¹¹ 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 Scheme¹² 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

¹¹ Refer to section 3(1) of the *Strata Titles Act 1985* for the meaning of designated interest.

¹² Owner of the leasehold scheme has the meaning in section 3(1) of the *Strata Titles Act 1985*.

Version 1

Page 5 of 8

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.



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-laws⁶: Not Applicable

By-law under planning (scheme by-laws) condition⁷: Not Applicable

Exclusive use by-laws⁸: (existing and new) Not Applicable

Western Australian Planning Commission (WAPC) approval number (if applicable)⁹:

Leasehold by-laws¹⁰: Not Applicable

⁶ Refer *Strata Titles Act 1985* section 42.

⁷ Refer *Strata Titles Act 1985* section 22.

⁸ Refer *Strata Titles Act 1985* section 43.

⁹ Refer *Strata Titles Act 1985* section 20. Will not be applicable for schemes registered prior to 1/5/2020.

¹⁰ Refer *Strata Titles Act 1985* section 40. Will not be applicable for schemes registered prior to 1/5/2020.

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.



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

Refer to Schedule 1 Governance By-laws 1 to 18 in Attachment 1

Conduct by-laws

Refer to Schedule 2 Conduct By-laws 1 to 21 in Attachment 1



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 _____ and closed on _____ (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.

[Insert Governance by-law(s) additions, amendments or repeal and their by-law number here]

and / or⁵

By special resolution, the voting period for which opened on _____ and closed on _____ (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.

[Insert Conduct by-law(s) additions, amendments or repeal and their by-law number here]

and / or⁵

By ordinary resolution passed on **23/04/2025** 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).

18. FINANCIAL YEAR

18.1 The financial year for the Strata Company is the period of 12 months ending on 30th April.

⁵ Select one.

Version 1

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.



Scheme By-laws

Strata Titles Act 1985 (STA)
Part 4 Division 4

Scheme Number: **47803**

Part 1 – Applicant

(a) For existing schemes:

The Owners of¹ **Doncaster Village Survey Strata Scheme 47803** (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.



independent, suitably qualified mediator nominated or recommended by the Law Society of Western Australia, and a "Dispute Notice" means the written notice that is to be given under this by-law. '

- 20.2 Where any party bound by the terms of these by-laws is in dispute with another party bound by the terms of these by-laws and such parties have not resolved the dispute within fourteen days, then the provisions of this by-law shall apply.
- 20.3 A party asserting a dispute must give to the other party a Dispute Notice containing the information set out in this by-law.
- 20.4 The Dispute Notice must state:
- 20.4.1 what is in dispute;
 - 20.4.2 the arguments of the party giving the Dispute Notice, and
 - 20.4.3 what should be done to rectify the dispute.
- 20.5 The party receiving the Dispute Notice must respond in writing within five business days of receiving the Dispute Notice.
- 20.6 If the dispute is not resolved by the exchange of notices, then the parties must confer in the presence of an Independent Person and attempt to resolve the dispute.
- 20.7 The conference with the Independent Person must be held within 14 days (or at a later time to meet the convenience of the Independent Person) from a notice convening the conference being sent by one of the parties.
- 20.8 Evidence of anything said or done in the course of attempting to settle a dispute is not admissible in subsequent proceedings.
- 20.9 During the dispute resolution process, the parties must continue to perform their existing obligations under the terms of the by-laws.
- 20.10 Subject to the parties' rights under the Act, any settlement reached by the parties will be final and binding on the parties. The Independent Person may determine which party or parties pay the costs of and incidental to the resolution of the dispute.

21. HOUSE RULES

- 21.1 The elected council may make house rules from time to time for the orderly conduct and use of common property from time to time for -
- 21.1.1 control of the vehicle access way;
 - 21.1.2 rubbish bins on rubbish collection day;
 - 21.1.3 any other activities or use of the common property;

provided such house rules shall be to promote the peaceful and orderly enjoyment of common property for the mutual benefit of all proprietors, tenants and occupiers and that they do not conflict with the by-laws

the purposes of this by-law "other vehicle" means, trailers, caravans, camper vans, boats on trailers, motor vehicles used for commercial purposes, motor cycles and any other related type of vehicle.

14. SPEED LIMITS OF MOTOR VEHICLES WITHIN THE SCHEME

- 14.1 No motor vehicle will exceed a speed limit of ten (10) kilometres per hour while travelling within the parcel and it shall be the responsibility of all registered proprietors, occupiers and tenants to ensure this by-law is adhered to by all motor vehicles entering the scheme.

15. VEHICLES WITHIN A LOT

- 15.1 A proprietor, occupier or other resident shall -
- 15.1.1 use only the garage or carport area of their lot for vehicle parking;
 - 15.1.2 other than minor repairs and maintenance to a vehicle, not be permitted to conduct major repairs or restorations of any motor vehicle, motorcycle, trailer or other type of vehicle or boat upon any portion of the lots or the common property.
 - 15.1.3 not be permitted to allow unlicensed vehicles or car wrecks on the parcel.

16. AIR CONDITIONERS

- 16.1 A proprietor may only install an air conditioning unit on their lot that is of a quality and standard that contains noise abatement features that will minimise the noise from the compressors or motors.
- 16.2 The motorised external component of an air conditioning system must be located in a position so as not to disturb the peaceful enjoyment of the proprietors of the neighbouring lots.
- 16.3 The proprietor of a lot installing an air conditioner shall prior to installing an air conditioner, obtain the written consent of the abutting lot proprietors. Such consent shall not be unreasonably withheld.

17. MAINTENANCE OF COMMON PROPERTY LOT 20, ENTRY AND STREETScape

Moved to Schedule 1 Governance By-law 16

18. BUILDINGS, GARDENS AND LANDSCAPING WITHIN A LOT

Moved to Schedule 1 Governance By-law 17

19. PEACEFUL ENJOYMENT

- 19.1 A proprietor, occupier or other resident or visitors to a lot are advised that all reasonable efforts are to be made by them, to ensure there is no undue noise within the lots or common property.
- 19.2 A proprietor, occupier or other residents shall not be permitted to make undue noise in or about any lot or common property that contravenes any regulation, by-law, or statute of the local government authority or any other government or regulating authority law.

20. DISPUTE RESOLUTION PROCEDURE

- 20.1 Should a dispute arise in relation to the operation of the strata company or these by-laws, the proprietors and the strata company shall follow the procedures set out in this by-law to resolve disputes. For the purpose of this by-law an "Independent Person" shall mean an

7. STORAGE OF INFLAMMABLE LIQUIDS ETC.

7.1 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.

8. GARBAGE DISPOSAL

8.1 An owner or occupier of a lot must:

8.1.1 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;

8.1.2 comply with all local laws relating to the disposal of garbage;

8.1.3 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.

9. ADDITIONAL DUTIES OF OWNERS AND OCCUPIERS

9.1 An owner or occupier of a lot must not:

9.1.1 use the lot for a purpose that may be illegal or injurious to the reputation of the building; or

9.1.2 make undue noise in or about the lot or common property; or

9.1.3 keep animals on the lot or the common property after notice in that behalf given to that person by the council.

10. NOTICE OF ALTERATION TO LOT

10.1 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.

11. APPEARANCE OF LOT

11.1 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.

12. DECORATION OF, AND AFFIXING ITEMS TO, INNER SURFACE OF LOT

12.1 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.

13. PARKING ON COMMON PROPERTY LOT 20

13.1 It is essential that the vehicle access way is at all times clear to allow unimpeded access and egress to any lot. Except for the designated visitor's car parking bays, a proprietor, occupier, other resident of a lot or a visitor to a lot shall not at any time, park or stand a motor vehicle or other vehicle either wholly or partly upon common property lot 20, without the prior written consent of the strata company. For

SCHEDULE 2 CONDUCT BY-LAWS

1. VEHICLES AND PARKING

- 1.1 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. USE OF COMMON PROPERTY

- 2.1 An owner or occupier of a lot must:
- 2.1.1 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
 - 2.1.2 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
 - 2.1.3 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
 - 2.1.4 not obstruct lawful use of common property by any person.

3. DAMAGE TO LAWNS ETC. ON COMMON PROPERTY

- 3.1 Except with the approval of the strata company, an owner or occupier of a lot must not:
- 3.1.1 damage any lawn, garden, tree, shrub, plant or flower on common property; or
 - 3.1.2 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

- 4.1 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. DEPOSITING RUBBISH ETC. ON COMMON PROPERTY

- 5.1 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.

6. DRYING OF LAUNDRY ITEMS AND SIGNAGE

- 6.1 An owner or occupier of a lot must not, except with the consent in writing of the strata company:
- 6.1.1 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
 - 6.1.2 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.

15. QUORUM

Deleted

16. MAINTENANCE OF COMMON PROPERTY LOT 20, ENTRY AND STREETScape

16.1 It is intended that the appearance of, the street scape and entry to the scheme be maintained to a satisfactory standard. The maintenance of the verges on Amherst Road and Fraser Road North and crossovers that forms part of the verge and entry will be the responsibility of the strata company. These ongoing maintenance costs will be included in the annual strata company budget.

17. BUILDINGS, GARDENS AND LANDSCAPING WITHIN A LOT

17.1 A proprietor occupier or other resident of a lot shall at his, her or its costs, maintain any buildings and structures within his, her or its lot and keep the grounds within their lot to a reasonable and acceptable standard.

17.2 In the event that a proprietor, or occupier does not maintain the buildings, structures, gardens and landscaping within his, her or its lot, to a standard that in the opinion of the strata company is satisfactory, then the strata company may serve a notice on the proprietor requesting the gardens and landscaping be reinstated to a standard acceptable by the strata company within 28 days of receipt of the notice.

17.3 Should the proprietor or occupier not comply with the notice the strata company shall seek an order from the State Administrative Tribunal for breaching the strata company by-laws and for the imposition of a maximum fine of \$400.

18. FINANCIAL YEAR

18.1 The financial year for the Strata Company is the period of 12 months ending on 30th April.

- 10.1.2 any building or building addition, without a building license issued by the City of Gosnells;
- 10.1.3 if required, any building or building addition without the approval of the strata company obtained in accordance with sections 7 A and 7B of the Strata Titles Act 1985;
- 10.1.4 any building or landscaping which does not comply with the terms of any Detailed Area Plan issued by the City of Gosnells including any provisions in such a development approval as to design requirements.
- 10.2 The proprietors of lots 18 and 19 acknowledge and agree that they have been advised -of the need to conform to the Detailed Area Plan and have been provided with a copy of this plan. The strata company shall at all times retain a copy of this plan in the strata company records and will provide a copy to purchasers as part of the disclosure requirements of section 43 of the Act.
- 10.3 The proprietors acknowledge that some services that are common to all lots may be located within, or partly within a' lot and that they will not remove or interfere with these services.
- 10.4 The construction of buildings on the lots may be in stages determined by the original proprietor. All efforts will be made to cause as little inconvenience as possible to the occupiers of other dwellings on parcel.
- 10.5 The original proprietor will, as part of the building process, install all paving, drainage and landscaping on common property lot 20. The original proprietor shall determine when these fixtures and fittings are to be installed. The timing of the installation is dependent on the completion of building construction on the survey-strata lots so that the fixtures and fittings on common property lot 20 are not damaged by the building construction process.

11. STRATA COMPANY'S INSURANCE OBLIGATIONS

- 11.1 The strata company shall be responsible at all times and at its cost to -
- 11.1.1 insure the common property lot 20 and all its fixtures and fittings contained within the common property lots for replacement value;
- 11.1.2 insure the common property for public liability in accordance with the requirements of the Act.
- 11.2 The proprietor of a lot shall be responsible at his, her or its cost to insure the buildings contained within its lot for building replacement value and any other appropriate insurance cover.

12. RESERVE FUND

- 12.1 The strata company shall administer a reserve fund in accordance with section 36 (2) of the Strata Titles Act 1985 for the purpose of accumulating funds to meet capital expenses of the strata company likely to arise in the future including obligations in relation to the common property lot 39. The strata company shall review this contribution and may decide to allocate this money for other purposes.

13. DISPUTE RESOLUTION PROCEDURE

Move to Schedule 2 Conduct By-law 20

14. HOUSE RULES

Move to Schedule 2 Conduct By-law 21

- 7.2.2 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
- 7.2.3 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.
- 7.3 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.
- 7.4 An owner of a lot or individual may be appointed under sub-bylaw 7.3 whether or not that person is a member of the council.
- 7.5 If a person appointed under sub-bylaw 7.3 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.

8. POWERS AND DUTIES OF SECRETARY OF STRATA COMPANY

- 8.1 The powers and duties of the secretary of a strata company include:
- 8.1.1 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
- 8.1.2 the giving on behalf of the strata company and of the council of the notices required to be given under the Act; and
- 8.1.3 the supply of information on behalf of the strata company in accordance with the *Strata Titles Act 1985* sections 108 and 109; and
- 8.1.4 the answering of communications addressed to the strata company; and
- 8.1.5 the calling of nominations of candidates for election as members of the council; and
- 8.1.6 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.

9. POWERS AND DUTIES OF TREASURER OF STRATA COMPANY

- 9.1 The powers and duties of the treasurer of a strata company include —
- 9.1.1 the notifying of owners of lots of any contributions levied under the *Strata Titles Act 1985*; and
- 9.1.2 the receipt, acknowledgment and banking of and the accounting for any money paid to the strata company; and
- 9.1.3 the preparation of any certificate applied for under the *Strata Titles Act 1985* section 110; and
- 9.1.4 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.

10. ARCHITECTURAL AND LANDSCAPING GUIDELINES

- 10.1 The proprietor of a lot shall not construct, erect or install, or permit to be constructed or erected or installed on a lot -
- 10.1.1 any dwelling or building addition without the prior written approval of the original proprietor or their nominee, whilst ever the original proprietor is a registered proprietor of a lot in the survey-strata scheme;

4.1.9.2 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.

5. CHAIRPERSON, SECRETARY AND TREASURER OF COUNCIL

5.1 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.

5.2 A person:

5.2.1 must not be appointed to an office referred to in sub-bylaw 5.1 unless the person is a member of the council; and

5.2.2 may be appointed to 1 or more of those offices.

5.3 A person appointed to an office referred to in sub-bylaw 5.1 holds office until the first of the following events happens:

5.3.1 the person ceases to be a member of the council under by-law 3.7;

5.3.2 receipt by the strata company of a written notice of the person's resignation from that office;

5.3.3 another person is appointed by the council to hold that office.

5.4 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 5.1, other than a vacancy arising under by-law 3.7.3 or 3.7.4, and any person so appointed holds office, subject to this by-law, for the balance of the predecessor's term of office.

5.5 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.

6. CHAIRPERSON, SECRETARY AND TREASURER OF STRATA COMPANY

6.1 Subject to sub-bylaw 6.2, the chairperson, secretary and treasurer of the council are also respectively the chairperson, secretary and treasurer of the strata company.

6.2 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.

6.3 A person appointed under sub-bylaw 6.2 may act until the end of the meeting for which the person was appointed to act.

7. MEETINGS OF COUNCIL

7.1 At meetings of the council, all matters must be determined by a simple majority vote.

7.2 The council may:

7.2.1 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

- 4.1.1 The meeting must determine, in accordance with the requirements of by-law 3.3 the number of persons of whom the council is to consist.
- 4.1.2 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.
- 4.1.3 A nomination is ineffective unless supported by the consent of the nominee to the nomination, given:
- 4.1.3.1 in writing, and furnished to the chairperson at the meeting; or
- 4.1.3.2 orally by a nominee who is present at the meeting in person or by proxy.
- 4.1.4 When no further nominations are forthcoming, the chairperson:
- 4.1.4.1 if the number of candidates equals the number of members of the council determined in accordance with the requirements of by-law 3.3, must declare those candidates to be elected as members of the council;
- 4.1.4.2 if the number of candidates exceeds the number of members of the council as so determined, must direct that a ballot be held.
- 4.1.5 If a ballot is to be held, the chairperson must:
- 4.1.5.1 announce the names of the candidates; and
- 4.1.5.2 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.
- 4.1.6 A person who is entitled to vote must complete a valid ballot form by:
- 4.1.6.1 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
- 4.1.6.2 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
- 4.1.6.3 signing the ballot form; and
- 4.1.6.4 returning it to the chairperson.
- 4.1.7 The chairperson, or a person appointed by the chairperson, must count the votes recorded on valid ballot forms in favour of each candidate.
- 4.1.8 Subject to sub-bylaw 4.1.9, candidates, being equal in number to the number of members of the council determined in accordance with by-law 3.3, 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.
- 4.1.9 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 4.1.8 and:
- 4.1.9.1 that number equals the number of votes recorded in favour of any other candidate; and

- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 A member of the council vacates office as a member of the council:
- 3.7.1 if the member dies or ceases to be an owner or co-owner of a lot; or
 - 3.7.2 on receipt by the strata company of a written notice of the member's resignation from the office of member; or
 - 3.7.3 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
 - 3.7.4 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
 - 3.7.5 if the member is removed from office under sub-by-law 3.6; or
 - 3.7.6 if the Tribunal orders that the member's appointment is revoked and the member is removed from office.
- 3.8 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 3.7.3 or 3.7.4, and any person so appointed holds office, subject to this by-law, for the balance of the predecessor's term of office.
- 3.9 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.
- 3.10 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.
- 3.11 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.

4. ELECTION OF COUNCIL AT GENERAL MEETING

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

SCHEDULE 1 GOVERNANCE BY-LAWS

1. DUTIES OF OWNER

1.1 The owner of a lot must:

1.1.1 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;

1.1.2 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.

1.2 The owner of a lot must:

1.2.1 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

1.2.2 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. POWER OF STRATA COMPANY REGARDING SUBMETERS

2.1 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 2.3, 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.

2.2 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.

2.3 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.

2.4 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.

3. CONSTITUTION OF COUNCIL

3.1 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.

3.2 Until the first annual general meeting of the strata company, the owners of all the lots constitute the council.

10.	NOTICE OF ALTERATION TO LOT	9
11.	APPEARANCE OF LOT	9
12.	DECORATION OF, AND AFFIXING ITEMS TO, INNER SURFACE OF LOT	9
13.	PARKING ON COMMON PROPERTY LOT 20	9
14.	SPEED LIMITS OF MOTOR VEHICLES WITHIN THE SCHEME	10
15.	VEHICLES WITHIN A LOT	10
16.	AIR CONDITIONERS	10
17.	MAINTENANCE OF COMMON PROPERTY LOT 20, ENTRY AND STREETScape	10
18.	BUILDINGS, GARDENS AND LANDSCAPING WITHIN A LOT	10
19.	PEACEFUL ENJOYMENT	10
20.	DISPUTE RESOLUTION PROCEDURE.....	10
21.	HOUSE RULES.....	11

ATTACHMENT 1 TO SCHEME BY-LAWS – APPLICATION TO AMEND

CONTENTS

NO.	DESCRIPTION	PAGES
	SCHEDULE 1 GOVERNANCE BY-LAWS	1
1.	DUTIES OF OWNER.....	1
2.	POWER OF STRATA COMPANY REGARDING SUBMETERS.....	1
3.	CONSTITUTION OF COUNCIL	1
4.	ELECTION OF COUNCIL AT GENERAL MEETING	2
5.	CHAIRPERSON, SECRETARY AND TREASURER OF COUNCIL	4
6.	CHAIRPERSON, SECRETARY AND TREASURER OF STRATA COMPANY	4
7.	MEETINGS OF COUNCIL.....	4
8.	POWERS AND DUTIES OF SECRETARY OF STRATA COMPANY.....	5
9.	POWERS AND DUTIES OF TREASURER OF STRATA COMPANY	5
10.	ARCHITECTURAL AND LANDSCAPING GUIDELINES.....	5
11.	STRATA COMPANY'S INSURANCE OBLIGATIONS	6
12.	RESERVE FUND.....	6
13.	DISPUTE RESOLUTION PROCEDURE.....	6
14.	HOUSE RULES.....	6
15.	QUORUM	7
16.	MAINTENANCE OF COMMON PROPERTY LOT 20, ENTRY AND STREETSCAPE.....	7
17.	BUILDINGS, GARDENS AND LANDSCAPING WITHIN A LOT	7
18.	FINANCIAL YEAR	7
	SCHEDULE 2 CONDUCT BY-LAWS	8
1.	VEHICLES AND PARKING	8
2.	USE OF COMMON PROPERTY	8
3.	DAMAGE TO LAWNS ETC. ON COMMON PROPERTY	8
4.	BEHAVIOUR OF OWNERS AND OCCUPIERS.....	8
5.	DEPOSITING RUBBISH ETC. ON COMMON PROPERTY	8
6.	DRYING OF LAUNDRY ITEMS AND SIGNAGE.....	8
7.	STORAGE OF INFLAMMABLE LIQUIDS ETC.....	9
8.	GARBAGE DISPOSAL.....	9
9.	ADDITIONAL DUTIES OF OWNERS AND OCCUPIERS.....	9