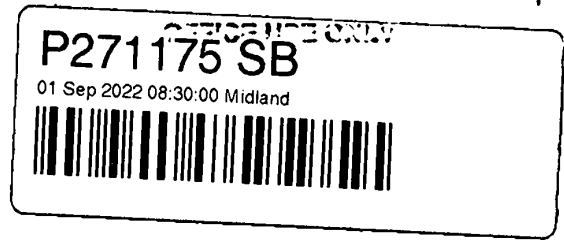


# Attachment 3



## **SB** Scheme By-laws – First Consolidation

Lodged by: <sup>13</sup>	<u>Allan Green – ALCA Southern Strata</u>
Address:	<u>PO Box 243 Como 6952</u>
Phone Number:	<u>08 93134646</u>
Fax Number:	<u>strata@alcastrata.com</u>
Reference Number:	_____
Issuing Box Number:	<u>999</u>

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

\_\_\_\_\_

Prepared by:	<u>Shane White – Strata Title Consult Pty Ltd</u>
Address:	<u>PO Box 453 Maylands 6931</u>
Phone Number:	<u>0439724090</u>
Fax Number:	<u>Shane.white@stratatileconsult.com.au</u>
Reference Number:	<u>SP50721 – 117 Stafford</u>

Titles, Leases, Evidence, Declarations etc. lodged herewith

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

### OFFICE USE ONLY

Landgate Officer

Number of Items Received: \_\_\_\_\_

Landgate Officer Initial: \_\_\_\_\_

<sup>13</sup> Lodging Party Name may differ from Applicant Name.

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. No Common Seal

Signed for and on behalf of the Owners of<sup>9</sup> 117 Stafford Road Kenwick Strata Scheme 50721 in accordance with authority conferred under section 118 of the *Strata Titles Act 1985*<sup>10</sup>.

Member of Council /  Strata Manager<sup>11</sup>:

Member of Council /  Strata Manager<sup>11</sup>:

Sheryl Kelly  
Signature  
SHERYL KELLY  
Full Name  
COUNCILLOR  
Delegation<sup>12</sup>  
3  
Lot Number

Michael Ward  
Signature  
Michael Ward  
Full Name  
Councillor  
Delegation<sup>12</sup>  
4  
Lot Number

13/07/2022

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> Select whichever is applicable.

<sup>12</sup> Expand to state whether "Authorised by [name of corporation] under s.136(2) of the Act", if applicable.

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 – Execution**

Date of Execution: 13/07/2022

1. Common Seal

The common seal of the Owners of<sup>7</sup>

117 Stafford Road Kenwick Strata Scheme  
50721

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



Member of Council:

Member of Council:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Full Name

\_\_\_\_\_  
Full Name

\_\_\_\_\_  
Delegation<sup>8</sup>

\_\_\_\_\_  
Delegation<sup>8</sup>

\_\_\_\_\_  
Lot Number

\_\_\_\_\_  
Lot Number

OR

\_\_\_\_\_

<sup>7</sup> 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.

<sup>8</sup> Expand to state whether “Authorised by [name of corporation] under s.136(2) of the Act”, if applicable.

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 – Attachments**

- Consent Statement – Designated Interest<sup>6</sup> 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 or Local Government (as relevant) to amendment or repeal of any by-laws created in relation to a planning (scheme by-laws) condition

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<sup>6</sup> Refer to section 3(1) of the Act for the meaning of designated interest.

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 – 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-laws<sup>3</sup>:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**By-law under planning (scheme by-laws) condition<sup>4</sup>:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Exclusive use by-laws<sup>5</sup>:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>3</sup> Refer *Strata Titles Act 1985* section 42.  
<sup>4</sup> Refer *Strata Titles Act 1985* section 22.  
<sup>5</sup> Refer *Strata Titles Act 1985* section 43.

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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(d) A proprietor, occupier or other resident of a lot shall not conduct repairs, restoration or the wrecking of any motor vehicle, boat, trailer or other vehicle upon any portion of their lot, except wholly within the garage of the said lot, provided that such activity shall at no time be permitted if it is determined by the Strata Company to be a nuisance.

(e) No motor vehicle shall exceed a speed of five (5) kilometres per hour on the common driveway. It shall be the responsibility of all registered proprietors, occupiers or other residents to ensure that this by-law is adhered to by all motor vehicles entering and leaving the scheme.

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.

#### 16. Pets

A proprietor, occupier or other resident of a lot:

- (a) Shall not allow their pet to remain on the common property unless the animal is correctly restrained and is being supervised by an adult.
- (b) Shall be responsible to ensure that all animal faeces is disposed of promptly and in a proper manner.
- (c) Will not be permitted to keep any restricted breed of animal within the scheme.

#### 17. Noise Limitations

A proprietor, occupier or other resident shall not permit loud noises, have exterior speakers to the dwellings, use horns, whistles, bells or other sound devices (other than security or warning device used exclusively for such purposes). Use or start noisy or smoky vehicles or water craft, large power equipment or large power tools, unlicensed off-road motor vehicles or items which may unreasonably interfere with the peaceful enjoyment of a lot.

#### 18. Maintenance of Lawns & Gardens with the Lots

- (a) At their cost, maintain the grounds and landscaping, including but not limited to all lawns, plants, shrubs and trees with their lot (that is not maintained by the Strata Company) to a reasonable an acceptable standard as shall be determined from time to time by the Strata Company and in particular that part of the lot contained with the front building set back areas and any other portion of the lot which can be seen from any other lots; and
- (b) If the proprietor fails to maintain the grounds and landscaping to a standard that is, in the opinion of the Strata Company, an acceptable standard in accordance with (a) above, then the Strata Company may serve notice on the registered proprietor, occupier or other resident of the lot to carry out work to return the landscaping to the required standard and should the required works not be completed within thirty (30) days from the date of service of the notice, then the Strata Company or it's agent may enter upon the lot to carry out the required works and the account for the costs incurred shall be recovered from the registered proprietor, occupier or other resident of the said lot. In this regards sections 38 & 39 of the Act shall apply.

#### 19. Maintenance of Verges (Lots 1-7)

The ongoing appearance and maintenance of the street verges directly adjacent to the Lots 1-7 will be the responsibility of the Strata Company.

#### 20. Vehicles

- (a) No vehicle shall be parked, stored or kept on a lot other than wholly within the parking area provided on the lot. Recreational vehicles (which shall include but not be limited to a camper unit, house car, motor home or boat) may be parked, stored or kept elsewhere on a lot if such vehicle is screened so as to be not visible from any other lot or common property with in the scheme.
- (b) No vehicle of a commercial type (including but not limited to a dump truck, cement mixer truck, delivery truck, coach bus, inoperable vehicle, equipment whether mobile or otherwise) shall be parked, stored or kept on a lot other than for commercial deliveries.
- (c) The Strata Company may determine designated areas for reversing bays or visitor parking bays. Designated bays shall be kept clear unless permission has been granted for use by the Strata Company.



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 more than one small dog on the lot or the common property.

#### 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.





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



11-15. Deleted by Strata Titles Amendment Act 2018

16. Recovery of Expenses

The Strata Company reserves the right to recover from any registered proprietor of any lot within the strata scheme any expenses e.g. debt collection agency fees, strata managing agents costs, solicitors fees etc associated with any contravention of The Strata Titles Act 2018 e.g. breach of By-Laws, debt recovery etc. These expenses shall be levied to the registered proprietor of the lot.

17. Insurance

An owner is responsible for the cost of any insurance excess payable as the result of an insurance claim made against the strata company's insurer by the owner, including any claim whether such loss or damage occurs;

- 17.1 to any part of the building structure within their lot;
- 17.2 to any part of the common property structure surrounding the owner's lot;
- 17.3 to the fixtures and improvements of the owner of that lot; and
- 17.4 to any part of the common property or personal property of the strata company, other than common property referred to in by-law 17.2 where
  - 17.4.1 the owner is directly responsible for the loss of, or damage to, that common property or personal property of the strata company; and
  - 17.4.2 the insurance claim is made by the strata company.
- 17.5 The responsibility of the owner under by-law 16 extends to, but is not limited to, an insurance claim for damage, breakage or loss, whether accidental or otherwise, to:
  - 17.5.1 glass (windows, doors, shower screens and mirrors); and
  - 17.5.2 porcelain, vitreous china, or similar fixtures (such as vanity basins).

18. Financial Year

The financial year for the strata company is the period of 12 months ending on 31 May.

**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



(3) A person appointed under sub-by-law (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-by-law (3) whether or not that person is a member of the council.

(5) If a person appointed under sub-by-law (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.



- 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.
- (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-by-law (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-by-law (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-by-law (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-by-law (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-by-law (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.

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.

(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





**Part 3 – Consolidated By-laws of Scheme Number: 50721**

**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 REPEALED**

**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 by Amendment Act.

(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 by Amendment Act.

(8) Except if the council consists of all the owners of lots in the scheme, the strata company may by



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Effective for use from: 15/07/2020

(e) No motor vehicle shall exceed a speed of five (5) kilometres per hour on the common driveway. It shall be the responsibility of all registered proprietors, occupiers or other residents to ensure that this by-law is adhered to by all motor vehicles entering and leaving the scheme.

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

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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.



restrained and is being supervised by an adult.

- (b) Shall be responsible to ensure that all animal faeces is disposed of promptly and in a proper manner.
- (c) Will not be permitted to keep any restricted breed of animal within the scheme.

#### 17. Noise Limitations

A proprietor, occupier or other resident shall not permit loud noises, have exterior speakers to the dwellings, use horns, whistles, bells or other sound devices (other than security or warning device used exclusively for such purposes). Use or start noisy or smoky vehicles or water craft, large power equipment or large power tools, unlicensed off-road motor vehicles or items which may unreasonably interfere with the peaceful enjoyment of a lot.

#### 18. Maintenance of Lawns & Gardens with the Lots

- (a) At their cost, maintain the grounds and landscaping, including but not limited to all lawns, plants, shrubs and trees with their lot (that is not maintained by the Strata Company) to a reasonable an acceptable standard as shall be determined from time to time by the Strata Company and in particular that part of the lot contained with the front building set back areas and any other portion of the lot which can be seen from any other lots; and
- (b) If the proprietor fails to maintain the grounds and landscaping to a standard that is, in the opinion of the Strata Company, an acceptable standard in accordance with (a) above, then the Strata Company may serve notice on the registered proprietor, occupier or other resident of the lot to carry out work to return the landscaping to the required standard and should the required works not be completed within thirty (30) days from the date of service of the notice, then the Strata Company or it's agent may enter upon the lot to carry out the required works and the account for the costs incurred shall be recovered from the registered proprietor, occupier or other resident of the said lot. In this regards sections 38 & 39 of the Act shall apply.

#### 19. Maintenance of Verges (Lots 1-7)

The ongoing appearance and maintenance of the street verges directly adjacent to the Lots 1-7 will be the responsibility of the Strata Company.

#### 20. Vehicles

- (a) No vehicle shall be parked, stored or kept on a lot other than wholly within the parking area provided on the lot. Recreational vehicles (which shall include but not be limited to a camper unit, house car, motor home or boat) may be parked, stored or kept elsewhere on a lot if such vehicle is screened so as to be not visible from any other lot or common property with in the scheme.
- (b) No vehicle of a commercial type (including but not limited to a dump truck, cement mixer truck, delivery truck, coach bus, inoperable vehicle, equipment whether mobile or otherwise) shall be parked, stored or kept on a lot other than for commercial deliveries.
- (c) The Strata Company may determine designated areas for reversing bays or visitor parking bays. Designated bays shall be kept clear unless permission has been granted for use by the Strata Company.
- (d) A proprietor, occupier or other resident of a lot shall not conduct repairs, restoration or the wrecking of any motor vehicle, boat, trailer or other vehicle upon any portion of their lot, except wholly within the garage of the said lot, provided that such activity shall at no time be permitted if it is determined by the Strata Company to be a nuisance.





scheme any expenses e.g. debt collection agency fees, strata managing agents costs, solicitors fees etc associated with any contravention of The Strata Titles Act 2018 e.g. breach of By-Laws, debt recovery etc. These expenses shall be levied to the registered proprietor of the lot.

17. Insurance

An owner is responsible for the cost of any insurance excess payable as the result of an insurance claim made against the strata company's insurer by the owner, including any claim whether such loss or damage occurs;

- 17.1 to any part of the building structure within their lot;
- 17.2 to any part of the common property structure surrounding the owner's lot;
- 17.3 to the fixtures and improvements of the owner of that lot; and
- 17.4 to any part of the common property or personal property of the strata company, other than common property referred to in by-law 17.2 where
  - 17.4.1 the owner is directly responsible for the loss of, or damage to, that common property or personal property of the strata company; and
  - 17.4.2 the insurance claim is made by the strata company.
- 17.5 The responsibility of the owner under by-law 16 extends to, but is not limited to, an insurance claim for damage, breakage or loss, whether accidental or otherwise, to:
  - 17.5.1 glass (windows, doors, shower screens and mirrors); and
  - 17.5.2 porcelain, vitreous china, or similar fixtures (such as vanity basins).

18. Financial Year

The financial year for the strata company is the period of 12 months ending on 31 May.

and /  or<sup>2</sup>

By special resolution, the voting period for which opened on 06/07/22 and closed on 07/08/22 (and which must be registered within 3 months from closing date) the  additions/  amendments/  repeal<sup>2</sup> to the Conduct by-laws were made as detailed here.

The following Schedule 2 Conduct by-laws are: AMENDED

12. (c)

(c) keep more than one small dog on the lot or the common property.

The following Schedule 2 Conduct by-laws are: ADDED

16. Pets

A proprietor, occupier or other resident of a lot:

- (a) Shall not allow their pet to remain on the common property unless the animal is correctly

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# Scheme By-laws – First Consolidation

Strata Titles Act 1985  
Part 4 Division 4

Scheme Number: **50721**

The Owners of **117 Stafford Road Kenwick Strata Scheme 50721** (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 06/07/2022 and closed on 07/08/22 (and which must be registered within 3 months from closing date) the  **additions**/  **amendments**/  **repeal**<sup>2</sup> to the Governance by-laws were made as detailed here.

The following Schedule 1 Governance by-laws are: REPEALED

3. Power of strata company regarding submeters REPEALED

The following Schedule 1 Governance by-laws are: AMENDED

16. Recovery of Debt Collection Costs is REPLACED with the following:

16. Recovery of Expenses

The Strata Company reserves the right to recover from any registered proprietor of any lot within the strata

<sup>1</sup> 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.

<sup>2</sup> Select one.