



OFFICE USE ONLY

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22 Jun 2021 09:21:15 Midland



SB Scheme By-laws – First Consolidation

Lodged by:¹³ Richardson Strata Management Services
Address: 138 Burswood Rd Burswood WA 6100
Phone Number: 08 9472 1833
Fax Number: 08 9355 5299
Reference Number: 70632
Issuing Box Number: 888V, Midland ✓

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

Prepared by: Lavan
Address: Level 18, 1 William Street PERTH WA 6000
Phone Number: + 61 8 9288 6000
Fax Number: + 61 8 9288 6001
Reference Number: 1168093

Titles, Leases, Evidence, Declarations etc. lodged herewith

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

OFFICE USE ONLY

Landgate Officer

Number of Items Received: _____

Landgate Officer Initial: _____

¹³ Lodging Party Name may differ from Applicant Name.



Approved Form 2020-43914
Effective for use from: 15/07/2020

2. No Common Seal

Signed for and on behalf of the Owners of⁹ **Nicheliving Madeley Survey-Strata Scheme 70632**
in accordance with authority conferred under section 118 of the *Strata Titles Act 1985*¹⁰.

☐ Member of Council / ☐ Strata Manager¹¹:

☐ Member of Council / ☐ Strata Manager¹¹:

Signature

Signature

Full Name

Full Name

Delegation¹²

Delegation¹²

Lot Number

Lot Number

⁹ 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.

¹⁰ 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.

¹¹ Select whichever is applicable.

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



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Part 6 – Execution

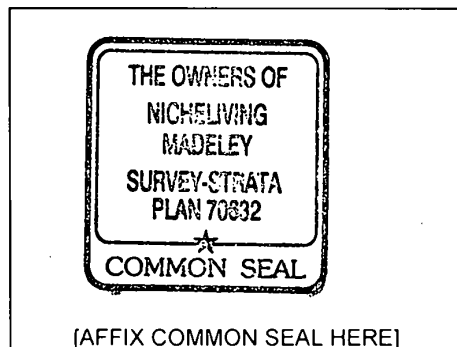
Date of Execution: 16th June 2021

1. Common Seal

The common seal of the Owners of⁷

Nicheliving Madeley Survey-Strata Scheme 70632

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 Joshua Orr
Delegation⁸ Secretary
Lot Number 19 Raven st.

Signature [Signature]
Full Name Joshua Hogg
Delegation⁸ Chairman
Lot Number 13 Emily Loop

OR

⁷ 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.

⁸ Expand to state whether "Authorised by [name of corporation] under s.136(2) of the Act", if applicable.



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Part 5 – Attachments

- ☐ **Consent Statement – Designated Interest⁶ 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

⁶ 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-laws³: **Schedule 1 By-law 25**
(note this is not a new by-law)

By-law under planning
(scheme by-laws) condition⁴: **Schedule 1 By-law 19**
(note this is not a new by-law)

Exclusive use by-laws⁵:

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 3 – Consolidated By-laws of Scheme Number: 70632

Governance By-Laws

See Annexure A

Conduct By-Laws

See Annexure A

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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.



- (b) raise the costs of preparing the Breach Notice, whether issued to the owner or an occupier of the owner's lot, by levying a contribution for those costs solely on that owner in accordance with section 100(1)(c)(ii) of the Act.

- 27.2 The cost of preparing the Breach Notice is recoverable by the strata company against the owner as a liquidated debt and the strata company may take action for the recovery of those amounts in any court of competent jurisdiction.

☒ and / ☐ or²

By special resolution, the voting period for which opened on **8/04/2021** and closed on **8/04/2021** (and which must be registered within 3 months from closing date) the ☒ **additions/** ☐ **amendments/** ☐ **repeal**² to the Conduct by-laws were made as detailed here.

Schedule 2 By-law 16 be added as follows

16 Flow of Traffic

- 16.1 For the purposes of these by-laws:
- 16.1.1 **CP Roads** means the common property roads within survey-strata scheme 70632 (**Scheme**).
- 16.1.2 **One-way Sign** means:
- (a) any signs located within the common property of the Scheme;
and
- (b) any markings on the CP Roads,
which provide that motor vehicles and bicycles are only permitted to travel in one direction.
- 16.2 Each owner or an occupier of the owner's lot must:
- 16.2.1 comply with any One-way Sign when traversing over the CP Roads by motor vehicle or bicycle; and
- 16.2.2 ensure that any of their invitees who traverse over the CP Roads by motor vehicle or bicycle comply with any One-way Sign.

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

- 26.3.6 all Legal Proceedings taken by the strata company against the owner or an occupier of the owner's lot;
- 26.3.7 all Legal Proceedings taken by the owner against the strata company or in which the strata company becomes involved and the owner is not successful or is only partly successful in those Legal Proceedings; and
- 26.3.8 all Legal Proceedings taken by:
- (a) an occupier of the owner's lot; or
 - (b) a mortgagee of the owner's lot,
- against the strata company or in which the strata company becomes involved and that occupier or mortgagee (as the case may be) is not successful or is only partly successful in those Legal Proceedings.
- 26.4 The council of the strata company is empowered:
- 26.4.1 to include the amount of the Costs in the amounts to be raised for the purposes of section 100(1)(a) of the Act; and
- 26.4.2 raise the amount of the Costs by levying a contribution for those Costs solely on that owner referred to in by-law 26.3 in accordance with section 100(1)(c)(ii) of the Act.
- 26.5 The Costs are recoverable by the strata company against the owner as a liquidated debt and the strata company may take action for the recovery of those amounts in any court of competent jurisdiction.

Schedule 1 By-law 27 be added as follows:

27 Breach Notice

- 27.1 Where an owner or the occupier of the owner's lot commits a breach of these by-laws or the Act, the strata company may issue a notice in relation to a breach of the by-laws or Act (**Breach Notice**) to that owner and the following applies:
- 27.1.1 the strata company's appointed strata manager may:
- (a) prepare a Breach Notice; or
 - (b) arrange for a lawyer to prepare a Breach Notice,
- and charge the strata company for the costs of preparing and issuing a Breach Notice.
- 27.1.2 any amount payable by the strata company as a cost to issue a Breach Notice in relation to a breach of the by-laws or Act becomes a debt due by the owner to the strata company and the strata company is empowered:
- (a) to include the costs of preparing the Breach Notice on the amounts to be raised for the purposes of section 100(1)(a) of the Act; and

- (d) costs of any consultants and experts; and
- (e) costs of any employees of and contractors to the strata company preparing for or being involved in the Legal Proceedings.

26.1.2 **Legal Proceedings** include, without limitation:

- (a) the issuing of a notice alleging a breach of the Act or by-laws that could lead to an application to the State Administrative Tribunal (**SAT**), a tribunal or any court;
- (b) an application to a court, or any other tribunal:
 - (i) to recover any amount of money owing to the strata company by an owner; or
 - (ii) for any other matter;
- (c) an application to SAT for relief under the Strata Titles Act 1985; and
- (d) an application for leave to appeal to the Supreme Court from an order of SAT or another court order and any further appeals related to that appeal.

26.2 An owner will indemnify the strata company and each of its employees, agents, contractors, sub-contractors and authorised representatives against any injury, harm, loss or damage suffered or incurred by them as a result of any breach of these by-laws or the Strata Titles Act 1985 (**Act**) by the owner or any of the occupiers of the owner's lot.

26.3 Without limiting by-law 26.2, an owner will pay on demand the whole of the strata company's Costs incurred in relation to any or all of the following:

- 26.3.1 recovering outstanding contributions levied by the strata company on that owner pursuant to either or both section 43 or 100 of the Act;
- 26.3.2 recovering any outstanding amounts otherwise owing from the owner to the strata company under either or both the Act or these by-laws;
- 26.3.3 making good any damage to the common property or personal property of the strata company caused by:
 - (a) the owner or an occupier of the owner's lot;
 - (b) an invitee of the owner; or
 - (c) an invitee of the occupier of the owner's lot;
- 26.3.4 remedying a breach of the by-laws or the Act committed by:
 - (a) the owner; or
 - (b) an occupier of the owner's lot;
- 26.3.5 rectifying any unauthorised works on common property undertaken as a result of an instruction or action of the owner or occupier of the owner's lot;



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Scheme By-laws – First Consolidation

Strata Titles Act 1985
Part 4 Division 4

Scheme Number: **70632**

The Owners of¹ **Nicheliving Madeley Survey-Strata Scheme 70632** (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 **8/04/2021** and closed on **8/04/2021** (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.

Schedule 1 By-law 26 be added as follows:

26 Costs Recovery

26.1 For the purposes of these by-laws:

26.1.1 **Costs** include, without limitation:

- (a) the strata manager's costs;
- (b) debt recovery costs;
- (c) legal costs and disbursements on a solicitor and own client indemnity basis;

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.

Annexure A

SCHEDULE 1 – GOVERNANCE BY-LAWS

1 Definitions

1.1 The following words have these meanings in the Schedule 1 Bylaws unless the contrary intention appears:

“Common Property”	has the same meaning as in the Act;
“Local Authority”	means the local authority as may from time to time have jurisdiction over the scheme;
“lot”	means a survey-strata lot contained on the survey strata plan;
“Original Proprietor”	means the registered proprietor of the land before the scheme was constituted by registration of the survey strata plan;
“Premises”	means the proprietor's lot together with the fixtures and fittings and that portion of the common property which is exclusive use property;
“Proprietor”	means the proprietor from time to time of a lot and the proprietors successors in title, personal representatives, permitted assigns and transferees or registered mortgagee in possession;
“Invitee”	means each of the proprietor's agents, contractors, tenants, lessees, licensees, invitees and those persons who at any time are under the control of and in or upon a lot or the common property with the consent (express or implied) of a proprietor;
“Schedule 1 Bylaws”	means the Schedule 1 Bylaws 1 to 40 inclusive;
“Services”	means the supply of electricity , gas, water, sewer, drainage, telephone and any other pipe or cable which delivers those things to a lot or the parcel;
“Signage”	means any sign affixed to, painted, erected or attached to any building or within the boundaries of a lot or within the boundaries of the parcel;
“the Act”	means the <i>Strata Titles Act 1985</i> , as amended.

1.2 Interpretation

In the Schedule 1 Bylaws:

- 1.2.1 Reference to any statute or statutory provision includes a reference to:

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- (a) that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated; and
 - (b) all statutory instruments or orders made pursuant to it.
- 1.2.2 Words denoting the singular number shall include the plural and vice versa.
- 1.2.3 Words denoting any gender include all genders and words denoting persons shall include firms and corporations and vice versa.
- 1.2.4 Headings are inserted for convenience only and shall not affect the construction or interpretation of the Schedule 1 Bylaws.
- 1.3 Severability

If any Schedule 1 Bylaw is invalid or unenforceable, then the remaining Schedule 1 Bylaws shall be valid and enforceable.

2 Duties of Proprietor, occupiers, etc.

- 2.1 A proprietor shall:
 - 2.1.1 forthwith carry out all work that may be ordered by any competent public authority or local government in respect of his 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 his lot;
 - 2.1.2 repair and maintain his lot, and keep it in a state of good repair, reasonable wear and tear, and damage by fire, storm, tempest or act of God excepted.
- 2.2 A proprietor shall:
 - 2.2.1 notify the strata company forthwith upon any change of ownership, including in the notice an address of the proprietor for service of notices and other documents under the Act; and
 - 2.2.2 if required in writing by the strata company, notify the strata company of any mortgage or other dealing in connection with his lot, including in the case of a lease of a lot, the name of the lessee and the term of the lease.
- 2.3 A proprietor, occupier or other resident of a lot shall:
 - 2.3.1 use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other proprietors, occupiers or residents, or of their visitors; and
 - 2.3.2 not use the lot or permit it to be used in such manner or for such purpose as causes a nuisance to any occupier of another lot (whether a proprietor or not) or the family of such an occupier;

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- 2.3.3 take all reasonable steps to ensure that his visitors do not behave in a manner likely to interfere with the peaceful enjoyment of the proprietor, occupier or other resident of another lot or of any person lawfully using common property; and
- 2.3.4 take all reasonable steps to ensure that his visitors comply with the bylaws of the strata company relating to the parking of motor vehicles.

3 Constitution of the Council

- 3.1 The powers and duties of the strata company shall, 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 shall be competent to exercise all or any of the authorities, functions or powers of the council.
- 3.2 Until the inaugural meeting of the strata company, the original proprietor of all the lots shall constitute the council. So long as the original proprietor is the proprietor of a lot it may nominate one person to be a member of the Council without the necessity of the nominee requiring to nominate for election each year. When the original proprietor no longer is the proprietor of a lot its nominee shall resign and this bylaw shall no longer apply.
- 3.3 The council shall consist of not less than 3 nor more than 7 proprietors as is determined by the strata company.
- 3.4 The members of the council shall be elected at each annual general meeting of the strata company.
- 3.5 In determining the number of proprietors for the purposes of this bylaw, co-proprietors of a lot or more than one lot shall be deemed to be one proprietor and a person who owns more than one lot shall also be deemed to be one proprietor.
- 3.6 If there are co-proprietors of a lot, one only of the co-proprietors shall be eligible to be, or to be elected, a member of the council and the co-proprietor who is so eligible shall be nominated by his co-proprietors, but, if the co-proprietors fail to agree on a nominee, the co-proprietor who owns the largest share of the lot shall be the nominee or if there is no co-proprietor who owns the largest share of the lot, the co-proprietor whose name appears first in the certificate of title for the lot shall be the nominee.
- 3.7 On an election of members of the council, a proprietor shall have one vote in respect of each lot owned by him.
- 3.8 The strata company may by special resolution remove any member of the council before the expiration of his term of office.
- 3.9 A member of the council vacates his office as a member of the council:
 - 3.9.1 if he dies or ceases to be a proprietor or a co-proprietor of a lot;
 - 3.9.2 upon receipt by the strata company of notice in writing of his resignation from the office of member;

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- 3.9.3 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 he is not elected or re-elected; or
- 3.9.4 where he is removed from office under bylaw 3.8 of the Schedule 1 Bylaws.
- 3.10 Any casual vacancy on the council may be filled by the remaining members of the council, except that, in a case where a casual vacancy arises because of the removal from office of a member under bylaw 3.8 of the Schedule 1 Bylaws, the strata company may resolve that the casual vacancy shall be filled by the strata company at a general meeting.
- 3.11 Except where the original proprietor constitutes the council, a quorum of the council shall be 2 where the council consists of 3 or 4 members 3, where it consists of 5 or 6 members and 4, where it consists of 7 members.
- 3.12 The continuing members of the council may act notwithstanding any vacancy in the council, but so long as the number of members is reduced below the number fixed by these bylaws 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.
- 3.13 All acts done in good faith by the council shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or continuance in office of any member of the council, be as valid as if that member had been duly appointed or had duly continued in office.

4 Election of council

- 4.1 The procedure for nomination and election of members of a council shall be in accordance with the following rules:
 - 4.1.1 the meeting shall determine, in accordance with the requirements of bylaw 3.3 of the Schedule 1 Bylaws the number of persons of whom the council shall consist;
 - 4.1.2 the chairman shall call upon those persons entitled to nominate candidates to nominate candidates for election to the council.
- 4.2 A nomination is ineffective unless supported by the consent of the nominee to his nomination, given:
 - 4.2.1 in writing, and furnished to the chairman at the meeting;
 - 4.2.2 orally by nominee who is present at the meeting.
- 4.3 When no further nominations are forthcoming, the chairman:
 - 4.3.1 where the number of candidates equals the number of members of the council determined in accordance with the requirements of bylaw 3.3 of the Schedule 1 Bylaws, shall declare those candidates to be elected as members of the council;

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- 4.3.2 where the number of candidates exceeds the number of members of the council as so determined, shall direct that a ballot be held.
- 4.4 If a ballot is to be held, the chairman shall:
 - 4.4.1 announce the names of the candidates; and
 - 4.4.2 cause to be furnished to each person present and entitled to vote a blank paper in respect of each lot in respect of which he is entitled to vote for use as a ballot-paper.
- 4.5 A person who is entitled to vote shall complete a valid ballot paper by:
 - 4.5.1 writing thereon the names of candidates, equal in number to the number of members of the council so that no name is repeated;
 - 4.5.2 indicating thereon the number of each lot in respect of which his vote is cast and whether he so votes as proprietor or first mortgagee of each such lot or as proxy of the proprietor or first mortgagee;
 - 4.5.3 signing the ballot-paper; and
 - 4.5.4 returning it to the chairman.
- 4.6 The chairman, or a person appointed by him, shall count the votes recorded on valid ballot-papers in favour of each candidate.
- 4.7 Subject to bylaw of Schedule 1, candidates, being equal in number to the number of members of the council determined in accordance with bylaw 3.3 of the Schedule 1 Bylaws, who receive the highest numbers of votes shall be declared elected to the council.
- 4.8 Where the number of votes recorded in favour of any candidate is the lowest of the numbers of votes referred to in bylaw 4.7 of the Schedule 1 Bylaws:
 - 4.8.1 that number equals the number of votes recorded in favour of any other candidate: and
 - 4.8.2 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 shall be decided by a show of hands of those present and entitled to vote.

5 Chairman, secretary and treasurer of council

- 5.1 The members of a council shall, at the first meeting of the council after they assume office as such members, appoint a chairman, a secretary and a treasurer of the council.
- 5.2 A person:
 - 5.2.1 shall not be appointed to an office referred to in bylaw 5.1 of the Schedule 1 Bylaws unless he is a member of the council; and

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- 5.2.2 may be appointed to one or more of those offices.
- 5.3 A person appointed to an office referred to in bylaw 5.1 of the Schedule 1 Bylaws shall hold office until:
- 5.3.1 he ceases to be a member of the council;
- 5.3.2 receipt by the strata company of notice in writing of his resignation from that office; or
- 5.3.3 another person is appointed by the council to hold that office,
- whichever first happens.
- 5.4 The chairman shall preside at all meetings of the council at which he is present and, if he is absent from any meeting, the members of the council present at that meeting shall appoint one of their number to preside at that meeting during the absence of the chairman.
- 6 Chairman, secretary and treasurer of strata company**
- 6.1 Subject to bylaw 6.2 of the Schedule 1 Bylaws the chairman, secretary and treasurer of the council are also respectively the chairman, secretary and treasurer of the strata company.
- 6.2 A strata company may at a general meeting authorise a person who is not a proprietor to act as the chairman of the strata company for the purposes of that meeting.
- 6.3 A person appointed under bylaw 6.2 of the Schedule 1 Bylaws may act until the end of the meeting for which he was appointed to act.
- 7 Meetings of council**
- 7.1 At meetings of the council, all matters should be determined by a simple majority vote.
- 7.2 The council may meet together for the conduct of business and adjourn and:
- 7.2.1 otherwise regulate its meetings as it thinks fit, but the council shall meet when any member of the council gives to the other members not less than 7 days' notice of a meeting proposed by him, specifying in the notice the reason for calling the meeting;
- 7.2.2 subject to any restriction imposed or direction given at a general meeting of the strata company, delegate to one 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 a proprietor, or an individual authorised under section 45 of the Act by a corporation which is a proprietor, to act in his place as a member of the council at any meeting of the council and any proprietor or individual so appointed shall, when so acting, be deemed to be a member of the council.

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- 7.4 A proprietor or individual may be appointed under bylaw 7.3 of the Schedule 1 Bylaws whether or not he is a member of the council.
- 7.5 If a person appointed under bylaw 7.3 of the Schedule 1 Bylaws is a member of the council he may, at any meeting of the council, separately vote in his capacity as a member and on behalf of the member in whose place he has been appointed to act.
- 7.6 The council shall keep minutes of its proceedings.

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;
 - 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;
 - 8.1.3 the supply of information on behalf of the strata company in accordance with section 43 (1)(a) and (b) of the Act;
 - 8.1.4 the answering of communications addressed to the strata company;
 - 8.1.5 the calling of nominations of candidates for election as members of the council; and
 - 8.1.6 subject to sections 49 and 103 of the Act 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 proprietors of any contributions levied pursuant to the Act;
 - 9.1.2 the receipt, acknowledgment and banking of and the accounting for any money paid to the strata company;
 - 9.1.3 the preparation of any certificate applied for under section 43 of the Act; and
 - 9.1.4 the keeping of the books of account referred to in section 35(1) (f) of the Act and the preparation of the statement of accounts referred to in section 35 (1) (g) of the Act.

10 [Deleted by the Amending Act]

11 [Deleted by the Amending Act]

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12 [Deleted by the Amending Act]

13 [Deleted by the Amending Act]

14 [Deleted by the Amending Act]

15 [Deleted by the Amending Act]

16 Appointment of a strata company manager

16.1 The strata company may employ the services of a person, firm or corporation to act as the strata manager for the purposes of administering the affairs of the strata company and to carry out the normal tasks of the secretary and the treasurer in respect to all of the responsibilities and obligations of the strata company as contained within the by-laws and the Act and as directed by the council of the strata company.

16.2 Should the strata company or the council of the strata company resolve to appoint a strata manager, the strata company shall resolve to authorise the council of the strata company to execute under seal of the strata company, a management agreement which shall set out the duties, obligations and remuneration of the strata manager and the term for which such agreement shall remain in effect in accordance with Bylaw 16.1 and shall be signed by the strata manager.

17 Reserve Fund

17.1 The strata company shall agree to implement and cause to be administered at the first annual general meeting of the strata company and thereafter at each and every general meeting, a reserve fund, in accordance with Section 36(2) of the Act, for the purpose of accumulating funds to meet expenses other than those of a routine nature applicable only to the common property lot, but may decide at each annual general meeting on the amount of contributions as it sees fit.

18 Fencing

18.1 Both boundary fencing whether it be constructed of any material including brick, masonry, limestone, 'Colorbond', cement panel or timber surrounding the parcel and internal fencing dividing lots shall be maintained in accordance with the Dividing Fences Act of 1961 and as set out in Sections 123(3) and 123B(1) of the Act for survey - strata schemes.

19 Development or Redevelopment

19.1 The development or redevelopment of any of the Lots must comply with a Development Approval issued by the Local Authority.

19.2 The consent of the Western Australian Planning Commission is required to any amendment, substitution or repeal of this Bylaw.

20 Penalty

20.1 The strata company shall have the right to apply to any Court or tribunal of competent jurisdiction to impose a specified sum by way of penalty on any of the proprietors who after notice in writing, continue to breach any bylaws

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of the Strata Company. Such penalty to be the amount specified within the regulations of the Act and shall where permitted include recovery of any costs associated with such application.

21 Strata company to recover legal costs for debt collection

- 21.1 Notwithstanding the rights imposed by Schedule 2 Bylaw 4, any costs Incurred by the strata company in the pursuit and recovery of monies owing by a proprietor, including interest chargeable in accordance with the Act and the Regulations of the Act, the cost of engaging a solicitor and debt collector including further any justifiable expenses of the strata manager outside of his normal duties as detailed in his agreement with the strata company shall be payable on demand and if necessary, recoverable as a debt in a Court of competent jurisdiction.

22 Construction of dwellings in accordance with Development Approval

- 22.1 It is essential for the theme of the development that there be unity in the built form of dwellings within the scheme
- 22.2 In this Bylaw and throughout this Management Statement
- 22.2.1 "Development Application" means the development application made to the Local Authority with respect to the Scheme; and
- 22.2.2 "Development Approval" means the Development Application as approved by the relevant Local Authority.
- 22.3 Each Proprietor must erect or cause to be erected on the Proprietor's lot a dwelling in accordance with the Development Approval as soon as practicable following registration of the scheme.
- 22.4 Failure to comply with Bylaw 22.3 may result in the inability of the strata company to maintain unity in the built form of dwellings within the scheme in breach of Bylaw 22.1.
- 22.5 Delay in compliance with Bylaw 22.3 may result in disturbance to other Proprietors and obstruction of common property when other lots within the scheme are occupied, in breach of these Bylaws.

23 Section 42B By-Law - Garden Area

- (1) This by-law supplements existing schedule 1 by-law 2.1.2 and Schedule 2 by-law 13.1.5 and is made, in part, to allow for better enforcement of the obligations in those by-laws in relation to Garden Areas.
- (2) In this by-law,
- (a) **Garden Area** means those parts of a Lot intended for use as a garden, lawn or external feature but excluding a courtyard;
- (b) **Garden Area Breach** means a breach of schedule 1 by-law 2.1.2 or schedule 2 by-law 13.1.5 by an owner in relation to a Garden Area;

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- (c) **Garden Area Breach Costs** means all reasonable costs charged to the strata company of and incidental to remedying a Garden Area Breach' and
 - (d) **Garden Area Breach Lot** means a lot the owner of which has committed a Garden Area breach.
- (3) The strata company must not incur any Garden Area Breach Costs in relation to a Garden Area Breach without first giving the owner of the Garden Area Breach Lot 14 days to remedy that breach.
- (4) The strata company must:
- (a) not levy contributions regarding Garden Area Breach Costs incurred by it concerning a Garden Area Breach in accordance with unit entitlement, but in accordance with sub-bylaw (3)
- and
- (b) levy contributions regarding Garden Area Beach Costs incurred by it on the owner of the Garden Area Breach Lot concerned.
- (5) The council of the strata company is empowered to exercise the functions in relation to Garden Area Breach Costs currently in sections 36(1)(a), 36(1)(b) and 36(1)(c) of the *Act* and in sections 100(1)(a), 100(1)(b) and 100(1)(c) of the *Act* as amended by the *Strata Titles Amendment Act 2018* (WA) after those sections come into operation.

24 Notices

- 24.1 Any notice or other communication required to be given under these Bylaws shall be deemed duly given if left at or sent by pre-paid post or by facsimile transmission or other means of telecommunication in permanent written form to the address of the party receiving such notice.
- 24.2 Any such notice or other communication shall be deemed to be given to or received by the addressee:
- 24.2.1 at the time the same is left at the address of or handed to the party to be served;
 - 24.2.2 by post on the day not being a Sunday or public holiday 2 days following the date of posting; and
 - 24.2.3 in the case of a facsimile transmission or other means of telecommunication on the next following day.
- 24.3 In proving the giving of the notice it shall be sufficient to prove that the notice was left, or that the envelope containing the notice was properly addressed and posted, or that the applicable means of telecommunication was addressed and despatched as the case may be.

25 Re-subdivision Lot 43

- 25.1 Definitions

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In this Bylaw the following words and phrases have the meanings assigned to them below whether appearing in capitals or not:

"approvals"	means all the approvals required pursuant to the Act and all other approvals permits and licences of any local or other competent authority which may from time to time be necessary to enable the proprietor of Lot 40 to re-subdivide Lot 43 in accordance with the survey strata plan of re-subdivision.
"Lot 43"	means Lot 43 of the survey strata plan;
"proposed unit entitlements"	means the proposed unit entitlement for each lot of the survey strata plan of re-subdivision described in the annexure hereto marked Attachment "MS2";
"survey strata plan of re-subdivision"	means a survey strata plan of re-subdivision in the form annexed hereto and marked Attachment "MS 1" and which complies in all respects with Sections 8, 8A, 8B and Item 8 of Schedule 2A of the <i>Strata Titles Act</i> .

25.2 Re-subdivision of Lot 43

The re-subdivision of Lot 43 may be undertaken by the proprietor of Lot 43 strata lot at any time after the survey strata plan is registered.

25.3 Re-subdivision Costs

The proprietor of Lot 43 will be responsible for all costs associated with the re-subdivision of Lot 43 and the registration of the survey strata plan of re-subdivision.

25.4 Services

All of the survey strata lots created by the survey strata plan of re-subdivision will be serviced by sewer, water, power, gas and internal access ways where required.

25.5 Approvals

The proprietor of Lot 43 obtain all the approvals necessary to complete the re-subdivision of Lot 43 and to register the survey strata plan of re-subdivision.

25.6 Local Government Approval

The re-subdivision of Lot 43 must comply with an existing development approval issued by the Local Authority or such alternative development approval as the Local Authority may grant which complies with its town planning scheme and planning policies.

25.7 Re-Subdivision

25.7.1 When the common property works for the of the re-subdivision of Lot 43 are completed Lot 43 will be re-subdivided.

25.7.2 The survey strata plan of re-subdivision shall be in accordance with Sections 8, 8A, 8B and 8C and Item 8 of the Schedule 2A of the *Strata Titles Act*.

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- 25.7.3 The unit entitlement for each of the lots created on the survey strata plan of re-subdivision will be allocated in accordance with the proposed unit entitlements.

WARNING

This Bylaw 25 is not binding on the Western Australian Planning Commission, local government or any other public or statutory authority. Any of these authorities may not approve, or may require changes before approving the proposed re-subdivision.

25.8 Affixing of Common Seal

The Council is authorised to affix the seal to any document necessary to effect the registration of the survey strata plan of re-subdivision and the re-allocation of unit entitlements.

26 Costs Recovery

26.1 For the purposes of these by-laws:

26.1.1 Costs include, without limitation:

- (a) the strata manager's costs;
- (b) debt recovery costs;
- (c) legal costs and disbursements on a solicitor and own client indemnity basis;
- (d) costs of any consultants and experts; and
- (e) costs of any employees of and contractors to the strata company preparing for or being involved in the Legal Proceedings.

26.1.2 Legal Proceedings include, without limitation:

- (a) the issuing of a notice alleging a breach of the Act or by-laws that could lead to an application to the State Administrative Tribunal (**SAT**), a tribunal or any court;
- (b) an application to a court, or any other tribunal:
 - (i) to recover any amount of money owing to the strata company by an owner; or
 - (ii) for any other matter;
- (c) an application to SAT for relief under the Strata Titles Act 1985; and
- (d) an application for leave to appeal to the Supreme Court from an order of SAT or another court order and any further appeals related to that appeal.

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- 26.2 An owner will indemnify the strata company and each of its employees, agents, contractors, sub-contractors and authorised representatives against any injury, harm, loss or damage suffered or incurred by them as a result of any breach of these by-laws or the Strata Titles Act 1985 (**Act**) by the owner or any of the occupiers of the owner's lot.
- 26.3 Without limiting by-law 26.2, an owner will pay on demand the whole of the strata company's Costs incurred in relation to any or all of the following:
- 26.3.1 recovering outstanding contributions levied by the strata company on that owner pursuant to either or both section 43 or 100 of the Act;
 - 26.3.2 recovering any outstanding amounts otherwise owing from the owner to the strata company under either or both the Act or these by-laws;
 - 26.3.3 making good any damage to the common property or personal property of the strata company caused by:
 - (a) the owner or an occupier of the owner's lot;
 - (b) an invitee of the owner; or
 - (c) an invitee of the occupier of the owner's lot;
 - 26.3.4 remedying a breach of the by-laws or the Act committed by:
 - (a) the owner; or
 - (b) an occupier of the owner's lot;
 - 26.3.5 rectifying any unauthorised works on common property undertaken as a result of an instruction or action of the owner or occupier of the owner's lot;
 - 26.3.6 all Legal Proceedings taken by the strata company against the owner or an occupier of the owner's lot;
 - 26.3.7 all Legal Proceedings taken by the owner against the strata company or in which the strata company becomes involved and the owner is not successful or is only partly successful in those Legal Proceedings; and
 - 26.3.8 all Legal Proceedings taken by:
 - (a) an occupier of the owner's lot; or
 - (b) a mortgagee of the owner's lot,against the strata company or in which the strata company becomes involved and that occupier or mortgagee (as the case may be) is not successful or is only partly successful in those Legal Proceedings.
- 26.4 The council of the strata company is empowered:

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- 26.4.1 to include the amount of the Costs in the amounts to be raised for the purposes of section 100(1)(a) of the Act; and
 - 26.4.2 raise the amount of the Costs by levying a contribution for those Costs solely on that owner referred to in by-law 26.3 in accordance with section 100(1)(c)(ii) of the Act.
- 26.5 The Costs are recoverable by the strata company against the owner as a liquidated debt and the strata company may take action for the recovery of those amounts in any court of competent jurisdiction.

27 Breach Notice

- 27.1 Where an owner or the occupier of the owner's lot commits a breach of these by-laws or the Act, the strata company may issue a notice in relation to a breach of the by-laws or Act (**Breach Notice**) to that owner and the following applies:
- 27.1.1 the strata company's appointed strata manager may:
 - (a) prepare a Breach Notice; or
 - (b) arrange for a lawyer to prepare a Breach Notice,and charge the strata company for the costs of preparing and issuing a Breach Notice.
 - 27.1.2 any amount payable by the strata company as a cost to issue a Breach Notice in relation to a breach of the by-laws or Act becomes a debt due by the owner to the strata company and the strata company is empowered:
 - (a) to include the costs of preparing the Breach Notice on the amounts to be raised for the purposes of section 100(1)(a) of the Act; and
 - (b) raise the costs of preparing the Breach Notice, whether issued to the owner or an occupier of the owner's lot, by levying a contribution for those costs solely on that owner in accordance with section 100(1)(c)(ii) of the Act.
- 27.2 The cost of preparing the Breach Notice is recoverable by the strata company against the owner as a liquidated debt and the strata company may take action for the recovery of those amounts in any court of competent jurisdiction.

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SCHEDULE 2 – CONDUCT BY-LAWS

1 Air-conditioning units

- 1.1 A proprietor shall not install or, cause to be installed, any roof or other externally mounted air-conditioning unit including a split air-conditioning system, evaporative cooling system or solar heating panel unless it is positioned where the plans and specifications provide or the plans and specifications any future residence provide.
- 1.2 A proprietor may only install or, cause to be installed, any roof or other externally mounted air-conditioning unit including a split air-conditioning system, evaporative cooling system or solar heating panel other than where indicated in the plans and specifications if first the position, sound abatement measures and screening of the unit has been approved in writing by the council of the strata company.
- 1.3 In the case of By-law 1.2, a proprietor shall ensure that he observes all the requirements of the Environmental Protection (Noise) Regulations 1997 as amended.
- 1.4 A proprietor shall be responsible for the repair, maintenance and replacement of any air-conditioning unit or evaporative cooling system and any ancillary equipment pertaining to his lot and shall keep it in good condition, free of rust and meet all costs associated with repair, maintenance or replacement of all or any of those items.

2 Antennae

- 2.1 A television, radio or other electronic antennae or device of any type may be erected, constructed, placed on a roof of a residence within any lot provided it complies with requirements of the Local Authority Town Planning Scheme which refers to the control of satellite dishes, microwave antennae and radio masts but provided further;
 - 2.1.1 in the case of a microwave dish, shall not have a diameter of greater than 750mm.
 - 2.1.2 in the case of a radio mast or television antennae, shall not exceed a height above the apex of a roof of three metres.
- 2.2 A television, radio or other electronic antennae or device may be placed or installed within a roof void without approval of the strata company.

3 Strata company may make rules

- 3.1 The council of the strata company shall be entitled from time to time to make and prescribe rules and regulations relating to the use of the common property lot(s)(not Inconsistent with these by-laws), for the proper management of the strata scheme or any improvements thereon and may display or circulate these rules within the areas to which they apply. Without limiting the generality of this clause, the council of the strata company may make regulations in regard to the following matters:

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- 3.1.1 the use, safely and cleanliness of all parts of the common property and the conduct of the proprietors, other occupiers and their invitees;
- 3.1.2 the removal of garbage and other rubbish;
- 3.1.3 the installation and duration of signs whether for letting or for sale,
- 3.1.4 the control of traffic and the parking of vehicles on such parts of the common property as shall be set aside for the same;
- 3.1.5 the manner and times of delivery of goods;
- 3.1.6 the fire and emergency exercises and access for such services;
- 3.1.7 the maximum speed limit not to be exceeded by any vehicle, or cycle travelling upon or within the common property.

4 Mediation and conflict resolution

- 4.1 Where a dispute of any kind arises between proprietors or a proprietor(s) and the strata company, any party to the dispute may serve notice of (he dispute ("dispute notice") on the other party and to the council of the strata company.
- 4.2 Notwithstanding, nothing in this by-law shall prevent the strata company from taking any action which may be required to obtain payment of outstanding monies properly due and payable by a proprietor.
- 4.3 The parties to the dispute shall confer with each other within 14 days of service of the dispute notice following notification to the council of the strata company of their intention to do so and shall endeavour to resolve the dispute by negotiation in good faith.
- 4.4 In the event that (he parties in dispute have been unable to resolve the dispute within 14 days of service of the dispute notice, they shall notify the council of the strata company of their failure to agree. The council of the strata company shall as soon as practicable thereafter refer the dispute for mediation.
- 4.5 The parties to (he dispute shall endeavour to resolve the dispute at the mediation.
- 4.6 Unless otherwise agreed by the parties to the dispute, the mediator shall be selected by the President of the Institute of Arbitrators and Mediators Australia, Western Australian Branch.
- 4.7 The mediation shall be conducted in accordance with the mediation rules of the Institute of Arbitrators and Mediators Australia at such place and time as the mediator reasonably nominates.
- 4.8 The costs of the mediation shall be borne by the parties to the dispute equally and paid, if requested by (he mediator, before the mediation commences.

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- 4.9 Subject to Bylaw 4.10, neither party to the dispute shall apply to the State Administrative Tribunal in relation to the dispute until the processes set out in sub Bylaws 4.1 to 4.8 have been exhausted or a period of 30 days has elapsed from the date the dispute notice was given, whichever first occurs.
- 4.10 This by-law shall not prevent any party applying to the State Administrative Tribunal for an interim order or an injunction.

5 Vehicles and obstruction of motor vehicle access way

- 5.1 A proprietor, occupier or other resident shall not:
- 5.1.1 park or stand any motor vehicle, boat or other aquatic craft, caravan or camper or any similar vehicle including a commercial vehicle on the common property lot used for the motor vehicle access way ("motor vehicle access way"), whether at the entrance to the parcel, the driveways or any other part of the motor vehicle access way so as to impede, obstruct or hinder access by another person lawfully using the motor vehicle access way;
 - 5.1.2 use as if it is his own parking bay any area of the motor vehicle access way designated for use by visitors;
 - 5.1.3 allow any portion of the motor vehicle access way used by him to park his vehicle to become unsafe or unclean and shall ensure that any grease or other stains upon the surface of such areas are removed promptly or when requested to do so by the council of the strata company;
 - 5.1.4 drive a vehicle of any description in excess of the permitted speed limit in the common property motor vehicle access way.

6 Children playing upon motor vehicle access way

- 6.1 A proprietor, occupier, or other resident of a lot shall not permit any child of whom he has control to play upon any motor vehicle access way unless accompanied by an adult exercising effective control.

7 Alteration to a lot or common property building

- 7.1 A proprietor or other occupier of a lot shall not:
- 7.1.1 alter or add to the structure of the lot except as may be permitted and provided for under the Act;
 - 7.1.2 erect or cause to be erected any form of pergola or like structure within his lot without first submitting plans and a specification of materials and colour required to the council of the strata company in the manner and detail as required by the council of the strata company;
 - 7.1.3 the council of the strata company shall be under no obligation to approve such plans where the council considers the design, location and materials to be used are not in keeping with the rest of the development;

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- 7.1.4 where approval to erect a pergola or like structure is granted by the council of the strata company, the proprietor shall apply to the local authority for a building license but, in any event shall provide sufficient written evidence from the local authority to the council of the strata company prior to commencing erection of the pergola or like structure.

8 Power of proprietor to decorate etc

- 8.1 A proprietor may, without obtaining the consent of the strata company, paint, wallpaper or otherwise decorate the structure which forms the inner surface of the building within his lot or affix locking devices, fly screens, exterior furnishings and fixtures for outside entertaining.

9 Display of signs, items

- 9.1 A proprietor, occupier, or other resident of a lot shall not, except with consent in writing of the council of the strata company, display any sign, advertisement, placard, banner or pamphlet of like matter on any part of his lot either external or internal to the building with the exception of a lot being marketed for sale or lease, provided that such sign is in a good state of repair at all times and shall not be positioned anywhere within the parcel for longer than 60 days unless with the approval of the council of the strata company.
- 9.2 Bylaw 9.1 shall not apply to the original proprietor or his agent whilst the original proprietor is the owner of any lot which is being marketed for sale.

10 Storage of flammable liquids etc

- 10.1 A proprietor, occupier, or other resident of a lot shall not, except with the approval in writing of the strata company, use or store upon his lot any flammable chemical, liquid or gas or other flammable material, other than any such chemical, liquid, gas or other material to be used for domestic purposes, or in a fuel tank of a motor vehicle or outboard engine or boat or internal combustion engine.

11 Garbage disposal

- 11.1 A proprietor, occupier or other resident of a lot shall:
- 11.1.1 comply with all local government authority by-laws and ordinances relating to the disposal of garbage;
 - 11.1.2 ensure that the health, hygiene and comfort of the proprietor, occupier or other visitor of any other lot are not adversely affected by his disposal of garbage;
 - 11.1.3 not deposit or throw upon his lot or any other lot any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the proprietor, occupier, or other resident of another lot;
 - 11.1.4 ensure that his rubbish receptacle is kept in a location within the respective lot which is not visible from outside the lot.

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11.1.5 must place the weekly waste collection bin for his lot:

- (a) at such place or places within the parcel or adjacent to the parcel as the council may from time to time designate; and
- (b) in default of any such designation, at a place within the parcel along the route traversed by the relevant local government waste collection vehicles accessible by such vehicles;
- (c) in such manner as will cause as least disruption to other occupiers and residents as possible, and prior to the time such vehicles traverse such route. But shall ensure that it is returned to the lot as soon as possible thereafter.

12 Additional obligations of proprietors, occupiers etc

12.1 A proprietor, occupier or other resident shall not:

- 12.1.1 use the lot that he owns, occupies or resides in for the purpose of operating a home office or for any other business purposes except with the written approval of the council of the strata company and approval in writing which may be required from the Local Authority.
- 12.1.2 use the lot that he owns, occupies or resides in for any purpose that may be illegal or injurious to the reputation of the parcel including both soliciting and the engaging in prostitution.

13 Lot appearance

13.1 In addition to complying with the requirements of the Act, no proprietor or occupier shall:

- 13.1.1 alter the structure of their lot without giving at least 14 days written notice to the council before starting works;
- 13.1.2 maintain within the lot anything visible from outside their lot that, viewed from outside that lot, is not in the opinion of the council in keeping with the rest of the development comprised on the parcel;
- 13.1.3 interfere with any reticulation system serving the parcel;
- 13.1.4 prevent access to external parts of their lot by employees, agents or contractors of the strata company for the purpose of repairing, maintaining and where necessary renewing or replacing any such reticulation system; nor
- 13.1.5 fail to maintain all lawn and garden areas within their lot to a standard reasonably required by the strata council.

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14 Animals

- 14.1 Subject to Bylaw 14.2, proprietors and occupiers of lots shall be entitled to keep animals as pets within their lots.
- 14.2 Subject to Section 42(15) of the Act, a proprietor must not keep any animal within his lot:
 - 14.2.1 contrary to any local government bylaw; or
 - 14.2.2 after the council:
 - (a) has given notice to the proprietor or occupier on reasonable grounds to show cause why the animal should not be removed from the parcel; and
 - (b) In the absence of a satisfactory response from the proprietor or occupier, has given notice to the proprietor or occupier requiring the animal to be removed from the parcel.

15 Insurances

- 15.1 A Proprietor shall:
 - 15.1.1 insure and keep insured his building and any fixed improvements including fencing for full replacement value of eh buildings and fixed improvements;
 - 15.1.2 obtain public liability insurances for all risks as outlined within the Act for an amount not less than that required under the Act; and
 - 15.1.3 obtain cover in accordance with the *Workers Compensation and Rehabilitation Act*.
- 15.2 The strata company shall remain responsible for all insurances required for the common property lot(s) as set out within the Act.

16 Flow of Traffic

- 16.1 For the purposes of these by-laws:
 - 16.1.1 **CP Roads** means the common property roads within survey-strata scheme 70632 (**Scheme**).
 - 16.1.2 **One-way Sign** means:
 - (a) any signs located within the common property of the Scheme; and
 - (b) any markings on the CP Roads,which provide that motor vehicles and bicycles are only permitted to travel in one direction.

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- 16.2 Each owner or an occupier of the owner's lot must:
- 16.2.1 comply with any One-way Sign when traversing over the CP Roads by motor vehicle or bicycle; and
 - 16.2.2 ensure that any of their invitees who traverse over the CP Roads by motor vehicle or bicycle comply with any One-way Sign.

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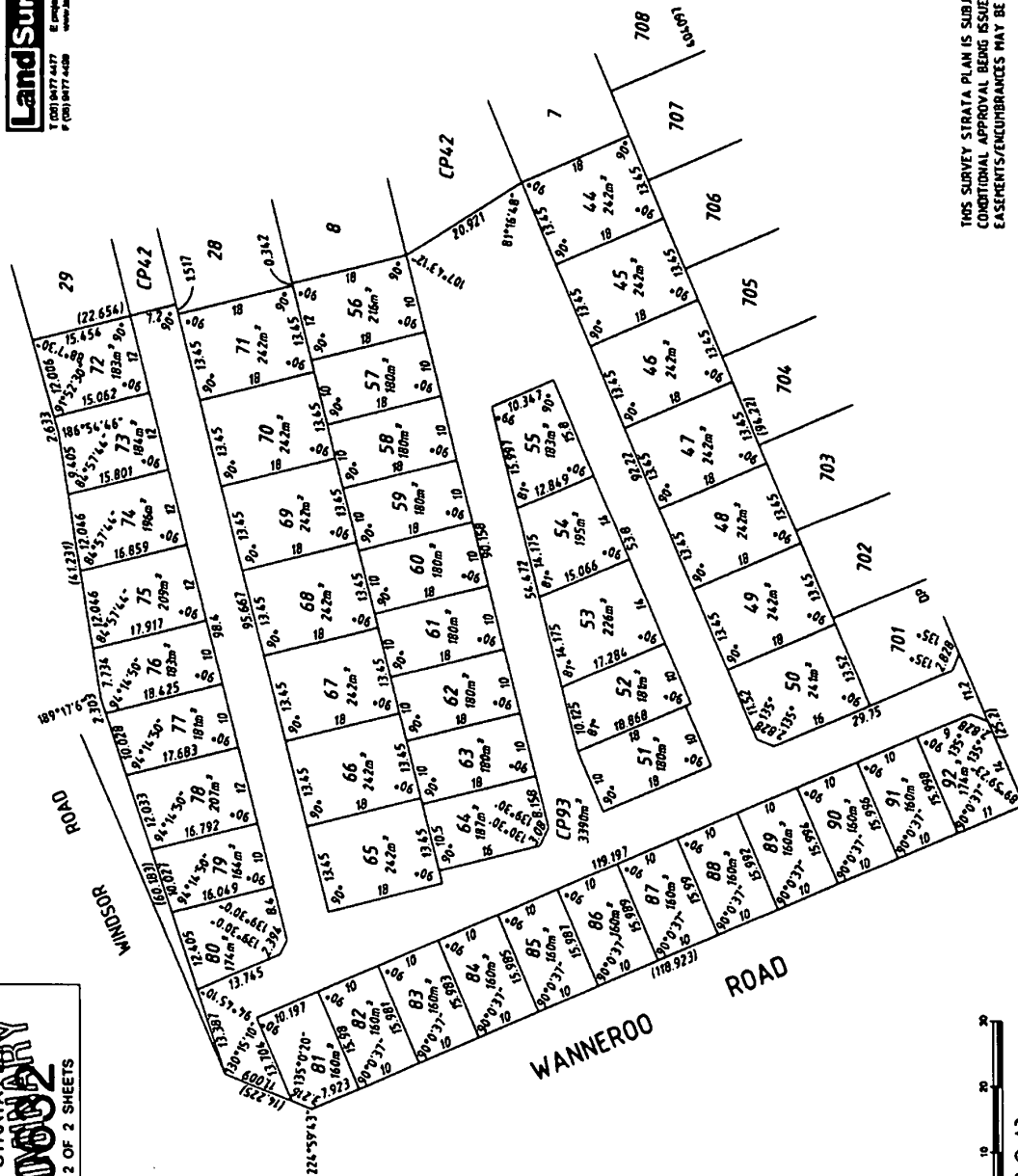
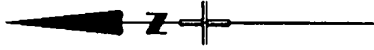
ATTACHMENT "MS1"
RE-SUBDIVISION SURVEY STRATA PLAN

SURVEY STRATA PLAN
PRELIMINARY
SHEET 2 OF 2 SHEETS

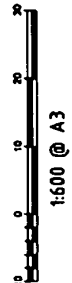
Land Surveys

19 Sherrin Way
Belmont WA 6104
PO Box 746 Belmont WA 6104
E enquiries@landsurveys.com.au
T (08) 9477 4477
P (08) 9477 4486

200 12 1401194 (P4)



THIS SURVEY STRATA PLAN IS SUBJECT TO A MAPC
CONDITIONAL APPROVAL BEING ISSUED. ADDITIONAL
EASEMENTS/ENCUMBRANCES MAY BE REQUIRED.



ATTACHMENT "MS2"

UNIT ENTITLEMENTS & FORM 27

SURVEY-STRATA PLAN No.				70632			
Schedule of Unit Entitlement		Office Use Only		Schedule of Unit Entitlement		Office Use Only	
		Current Cs of Title				Current Cs of Title	
Lot No.	Unit Entitlement	Vol.	Fol.	Lot No.	Unit Entitlement	Vol.	Fol.
1	123			28	126		
2	126			29	108		
3	126			30	111		
4	126			31	116		
5	126			32	116		
6	126			33	116		
7	126			34	118		
8	113			35	135		
9	104			36	111		
10	104			37	117		
11	113			38	100		
12	113			39	107		
13	104			40	119		
14	104			41	130		4788
15	104			CP42	Common Property		
16	104			43	Now Resubdivided		
17	112			44	126		
18	117			45	126		
19	104			46	126		
20	104			47	126		
21	123			48	126		
22	126			49	126		
23	126			50	118		
24	126			51	104		
25	126			52	104		
26	126			53	118		
27	126			54	111		6099

Continued Overleaf

SURVEY-STRATA PLAN No.				70632			
Schedule of Unit Entitlement		Office Use Only		Schedule of Unit Entitlement		Office Use Only	
		Current Cs of Title				Current Cs of Title	
Lot No.	Unit Entitlement	Vol.	Fol.	Lot No.	Unit Entitlement	Vol.	Fol.
55	104			82	84		
56	113			83	84		
57	104			84	84		
58	104			85	84		
59	104			86	84		
60	104			87	84		
61	104			88	84		
62	104			89	84		
63	104			90	84		
64	107			91	84		
65	126			92	91		
66	126			CP93	Common Property	1 0 0 0 0	
67	126						
68	126						
69	126						
70	126						
71	126						
72	104						
73	104						
74	113	8354					
75	115						
76	104						
77	104						
78	114						
79	94						
80	100						
81	84						

Continued Overleaf

[illegible]**DESCRIPTION OF PARCEL**

PRELIMINARY ONLY

Re-Subdivision of Lot 43 on Survey Strata Plan 70632.

**CERTIFICATE OF LICENSED VALUER
SURVEY-STRATA**

I, **Darren Starcevich AAPI**, being a Licensed Valuer licensed under the *Land Valuers Licensing Act 1978* certify that the unit entitlement of each lot (in this certificate, excluding any common property lots), as stated in the schedule bears in relation to the aggregate unit entitlement of all lots delineated on the plan a proportion not greater than 5% more or 5% less than the proportion that the value (as that term is defined in section 14 (2a) of the *Strata Titles Act 1985*) of that lot bears to the aggregate value of all the lots delineated on the plan.

22-Oct-2014
Date

D. Starceovich Digitally signed by
Darren Starceovich
AAPI Licensed Valuer
No. 44415
Signed

FORM 27

Strata Titles Act 1985

Regulation 37 (1)(a)

SURVEY-STRATA PLAN No. 70632

CERTIFICATE OF LICENSED VALUER

I, Darren Starcevich being a Licensed Valuer under the *Land Valuers Licensing Act 1978* certify that if a re-subdivision were effected in accordance with a by-law of the strata/survey-strata scheme made under clause 8 of Schedule 2A of the Act, on the basis of information provided in the by-law pursuant to clause 8(a) of Schedule 2A, a licensed valuer would be able to provide a certificate required under section 14(2) in respect of the proposed unit entitlement.

D Starcevich

Digitally signed by Darren Starcevich
AAPI Licensed Valuer No. 44415

Licensed Valuer

Date

? Date?

