

(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.

11. FUTURE DEVELOPMENT

- a) Development or redevelopment on the survey-strata lots is to comply with a development approval issued by the local government.
- b) Amendment to or repeal of the above provision cannot be affected without the Western Australian Planning Commission's agreement.

12. COMMON SERVICES MAY BE PARTLY LOCATED ON A LOT

The original proprietor has where possible, located common services to a lot within CP 101, CP 102 and CP 103. The proprietors acknowledge that some services including, pipes, wires cabling and ducts that carry water, sewer, electricity, gas, storm water and communications that are shared by all lots may be located partly within a lot. The proprietor of the lot will not object, remove or interfere with these services and will comply with section 62 of the Act and permit entry to its lot by the strata company or its agents to repair and maintain a service. A copy of the plan for all services will be retained in the strata company records.

13. BUILDING GUIDELINES

- (1) All dwellings on a lot must comply with the Local Development Plan. The proprietor of a lot shall not to construct, erect or install, or permit to be constructed, erected or installed on their lot any of the following:

Minimum Street Front Elevation

- (a) construct a dwelling with a street front elevation width of less than seventy-five percent (75%) of the street frontage width of the Lot.

External Finish

- (b) construct a dwelling with external wall materials not primarily made of stone, face brick or painted or coloured cement render;
- (c) construct a dwelling without incorporating either a verandah, awnings or feature wall into the street front elevation of the dwelling;
- (d) construct a dwelling unless each street facing facade is made up of at least two (2) different colours or textures with each such colour or texture (as applicable). For the purpose of this clause the term "facade" does not include the roof, gutters, downpipes, windows or doors;
- (e) construct a dwelling with roofing materials other than concrete or clay tiles or Colourbond sheeting (Zincalume is not permitted) and with a pitch of less than twenty-four degrees (24°);

Garage

- (f) construct a dwelling without a carport or garage capable of housing at least two (2) motor vehicles. Such garage shall not be constructed other than in a manner which complements the dwelling in respect to roof pitch, materials used, design, colour and external appearance;
- (g) construct a garage without a roller or tilt type door to shield vehicles parked in the garage from the street;

Driveways

- (h) all lots accept Lot 38 construct a dwelling, unless a driveway and cross-over between the Armadan Court and Sansimeon Boulevard, and CP 101, CP 102 and CP 103, and the parking area on the Lot are constructed and completed at the same time as or prior to occupation of the dwelling. Any driveway or crossover constructed shall not be less than three metres (3m) wide and no greater than six metres (6m) wide or constructed from anything other than brick pavers, coloured concrete or similar;
- (i) construct a dwelling on Lot 38, unless a driveway and cross-over between the Armadan Court, and the parking area on the Lot are constructed and completed at the same time as or prior to occupation of the dwelling. The vehicle crossover for Lot 38 is to be constructed to a maximum width of three metres (3m) at the boundary and constructed from anything other than brick pavers, coloured concrete or similar.

Solar Heaters – Solar Panels, Air Conditioners and HWS

- (j) install solar panels and air conditioners on that part of a roof facing a street and CP 101, CP 102 and CP 103 and the solar panels and air conditioners shall not be painted (or consist of coloured materials) of any colours that do not match the roof colour;

Commercial Vehicles

- (k) park commercial vehicles including trucks, buses and tractors at the dwelling or on a verge abutting the dwelling unless screened from public view at all times or unless parked during the normal course of business by a visiting tradesman;

Repairs

- (l) repair, restore or maintain any motor vehicle, motor cycle, boat, trailer or any other vehicle unless carried out behind the building line and screened from public view at all times;

Fences

- (m) construct side boundary fencing using anything other than "River Sand" or similar coloured "Colourbond" fence panels or sheets with "Slate Grey" or similar coloured capping, posts and rails to a maximum height of one and eight tenths of a metre (1.8m) measured from the ground level up;
- (n) construct fencing between the dwelling and the side boundary of the Lot or forward of the dwelling along the side and front boundaries, that is visible from the street, from any materials other than the materials of the dwelling, which match the appearance of the dwelling;
- (o) complete construction of fencing to the dwelling any later than twenty-one (21) days from either the date of builder's handover or the date of occupation of the dwelling, whichever occurs first; or
- (p) construct a dwelling unless the area between the front building line and the kerb is reticulated and landscaped within sixty (60) days of occupancy.

- (2) The proprietor of a lot shall not:
- (a) alter or remove any retaining walls or fences which have been erected on any boundaries of the lot by the original proprietor;
 - (b) allow or permit any retaining walls or fences which have been erected on any boundaries of the lot by the original proprietor to fall into a state of disrepair, or repair or renew such retaining walls or fences except in the same style and colour as the existing retaining walls or fences;
 - (c) alter the surface level of the lot adjoining any retaining walls or fences by elevating the level by more than 300 millimetres;
 - (d) except on rubbish collection day, store or leave rubbish bins in a position on their lot where it can be viewed from CP 101, CP 102 and CP 103 or a public road. The rubbish bins must be stored in the garage or at the rear of the lot; and
 - (e) The owner of any lot that faces CP 101, CP 102 and CP 103 are to put bins in the delineated location on Armadan Court on designated collection day.

14. STRATA COMPANY TO RECOVER LEGAL COSTS FOR DEBT COLLECTION OR BREACHES

- (1) If the strata company expends money to make good damage caused by a breach of the Act or by-laws by any proprietor or his tenants, servants, agents, invitees or licensees, or incurs any other costs, expense or claim, the strata company shall be entitled to recover that amount (and the costs of recovery) from the person who was the proprietor of the lot at the time when the breach occurred, whether or not they were the person who caused such expense.
- (2) Any monies expended by the strata company in the course of recovery actions shall be payable as if the monies were payable as part of the levies payable under section 100(1) or 100(2) of the Strata Titles Act 1985.
- (3) The strata Company reserves the right to recover any outstanding levies, interest or amounts unpaid resulting from submetering consumption in a court of competent jurisdiction.

Conduct By-Laws

1. VEHICLES AND PARKING

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

2. USE OF COMMON PROPERTY

An owner or occupier of a lot must —

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

(d) not obstruct lawful use of common property by any person.

3. DAMAGE TO LAWNS ETC. ON COMMON PROPERTY

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

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

4. BEHAVIOUR OF OWNERS AND OCCUPIERS

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

5. Deleted by Strata Titles Amendment Act 2018

6. DEPOSITING RUBBISH ETC. ON COMMON PROPERTY

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

7. DRYING OF LAUNDRY ITEMS AND SIGNAGE

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

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

8. STORAGE OF FLAMMABLE 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 flammable chemical, liquid or gas or other inflammable material, other than chemicals, liquids, gases or other materials used or intended to be used for domestic purposes, or any such chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

9. MOVING FURNITURE ETC. ON OR THROUGH COMMON PROPERTY

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

10. FLOOR COVERINGS

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

11. GARBAGE DISPOSAL

An owner or occupier of a lot must —

- (a) maintain within their lot, or on such part of the common property as may be authorised by the strata company, in clean and dry condition and adequately covered, a receptacle for garbage;

- (b) comply with all local laws relating to the disposal of garbage;
- (c) ensure that the health, hygiene and comfort of an owner or occupier of any other lot is not adversely affected by their disposal of garbage.
- (d) The owner of any lot that face CP 101, CP 102 and CP 103 are to put bins in the delineated location on Armadan Court on designated collection day.

12. ADDITIONAL DUTIES OF OWNERS AND OCCUPIERS

An owner or occupier of a lot must not —

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

13. NOTICE OF ALTERATION TO LOT

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

14. APPEARANCE OF LOT

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

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

An owner or occupier of a lot must not, without the written consent of the strata company, paint, wallpaper or otherwise decorate a structure which forms the inner surface of the boundary of the lot or affix locking devices, flyscreens, furnishings, furniture, carpets and other similar things to that surface, if that action will unreasonably damage the common property.

16. STRATA COMPANY'S INSURANCE OBLIGATIONS

- (1) The strata company shall be responsible at all times and at its cost to -
 - (a) insure common property lot 101, 102 and 103 ("CP 101, CP 102, CP 103") and all its fixtures and fittings for replacement value contained;
 - (b) insure CP 101, CP 102, CP 103 for public liability in accordance with the requirements of the Act.
- (2) The proprietor of a lot shall be responsible at its cost to insure the buildings contained within its lot for building replacement value and any other appropriate insurance cover.

17. DAMAGE TO CP 101, CP 102 and CP 103 DURING BUILDING CONSTRUCTION

The proprietor of a lot or their appointed builder who is constructing a dwelling on their lot shall be responsible to ensure the fixtures and fittings, particularly the paving and drainage system located on CP 101, CP 102 and CP 103 are not damaged during the construction of the building on their lot. If any damage occurs to CP 101, CP 102 and CP 103 during the construction of the building on their lot, then it is the responsibility of that proprietor of the lot or their appointed builder to make good any damage to CP 101, CP 102 and CP 103, with the onus being on the affected proprietor to prove the damage was not caused by them or their contractors.

18. SIGNAGE

- (1) The proprietor, occupier or other resident of a lot shall not erect or display, or cause to be erected or displayed on the lot or CP 101, CP 102 and CP 103, any sign hoarding or advertisement other than:
- (a) a sign erected by a builder of the residence in accordance with the Builders Registration Act 1939 during the period of construction of the residence or;
 - (b) a "FOR SALE" sign, which may only be erected or displayed after a period of two (2) years from the date of issue of the first Certificate of Title for the lot, or if a residence has been constructed on the land and is occupied.
- (2) Nothing contained in this by-law shall restrict the right of the original proprietor for a period of forty eight months (48) months following the registration of the strata plan (which right is hereby expressly conferred) to display on any part of any lot or any part of the common property such signs as the original proprietor sees fit.

19. LOTS CANNOT BE USED FOR DISPLAY HOMES

The proprietor, occupier or other resident of a lot shall not use or allow to be used, any residence erected on the land for display purposes, unless the land has been sold to the purchaser by the vendor for that purpose.

20. VEHICLES PARKING ON COMMON PROPERTY

- (1) The vehicle access ways comprising CP 101, CP 102 and CP 103 must at all times be available for access and egress by pedestrians or motor vehicles.
- (2) A proprietor, occupier, other resident of a lot shall not be permitted at any time to park a motor vehicle, trailer, camper van or boat and trailer either temporarily or permanently on any part of CP 101, CP 102 and CP 103 or within the designated visitor's car parking bays.
- (3) A proprietor, occupier, other resident of a lot shall not be permitted at any time to park or allow to be parked on a lot or CP 101, CP 102 and CP 103 or within the designated visitor's car parking bay, any commercial vehicles (being vehicles which have an aggregate weight greater than 3.5 tonnes or a height greater than 2.0 metres), caravans, trailers, boats or any other mobile machinery ("vehicles") unless the vehicles are housed wholly in the garage.
- (4) In the event that clauses (2) and (3) of this by law is not complied with, then strata company may make application to the State Administrative Tribunal seeking remedy and enforcement.

21. VEHICLES ON COMMON PROPERTY ILLEGALLY PARKED MAY BE CLAMPED

The council of owners shall be permitted to subcontract their powers to enforce parking by-laws to a private company as determined by the council of owners. Any person found to be illegally parking on common property, including the visitors parking bays, will be subject to the penalties specified in the private company agreement including fines and wheel clamping and tow away.

22. VEHICLES WITHIN A LOT

A proprietor, occupier or other resident shall use the allocated carport or garage of their lot for vehicle parking and shall, other than minor repairs and maintenance to a vehicle, not be permitted to conduct major repairs or restorations of any motor vehicle, motorcycle, trailer or other type of vehicle or boat upon any portion of their lot or CP 101, CP 102 and CP 103. Unlicensed vehicles or car wrecks are not permitted on the parcel.

23. NOISY VEHICLES NOT PERMITTED WITHIN THE STRATA SCHEME

To ensure reasonable peace and enjoyment for all occupiers, a proprietor, occupier or other resident shall not be permitted to park a motor vehicle or motor cycle within the parcel boundaries whose exhaust noise emissions does not comply with noise decibel limits imposed by the Road Traffic (Vehicle Standards) Rules 2002 - Reg 144.

24. SPEED LIMITS OF MOTOR VEHICLES WITHIN THE SCHEME

No motor vehicle will exceed a speed limit of ten (10) kilometres per hour while traveling within the parcel and it shall be the responsibility of all registered proprietors, occupiers and tenants to ensure this by-law is adhered to by all motor vehicles entering the scheme. In the event that this by law is not complied with, then strata company may make application to the State Administrative Tribunal to seek remedy and enforcement.

25. COMMON PROPERTY TO BE USED FOR PEDESTRIAN AND VEHICLE ACCESS

Proprietors, occupiers or other residents are not permitted to use skateboards, foot propelled scooters, any type of skates, BMX bicycles, bounce or use any type of ball on any part of CP 101, CP 102 and CP 103 that is likely to interrupt occupiers, peaceful enjoyment or cause a hazard or distraction to persons using CP 101, CP 102 and CP 103.