GOVERNMENT OF WESTERN AUSTRALIA

Landgate

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SB

Scheme By-laws – New Scheme

Strata Titles Act 1985
Part 4 Division 4

Scheme Number: **89374**

☐ **I** / ☒ **We**[1] the owner(s)[2] **Byford Land Company Pty Ltd of Lot 9000 on Deposited Plan 429175** apply to the Registrar of Titles to have the scheme by-laws as set out below registered with ☐ **my** / ☒ **our**[1] Application to Register Strata Titles Scheme in respect of the above land.

Part 1 – Consolidated by-laws

In this part provide the full text of the scheme by-laws classified as governance or conduct and with the relevant by-law number.

Governance By-Laws

1. DUTIES OF OWNER
(1) The owner of a lot must —
(a) immediately carry out all work that may be ordered under a written law in respect of the lot other than such work as may be for the benefit of the building generally and pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of the lot;
(b) maintain and repair the lot, and keep it in a state of good condition, reasonable wear and tear, and damage by fire, storm, tempest or act of God excepted.

(1A) The owner of a lot must —
(a) notify in writing the strata company immediately on becoming the owner of the lot, including in the notice the owner's address for service for the purposes of this Act; and
(b) if required in writing by the strata company, notify the strata company of any mortgage or other dealing in connection with the lot, including in the case of a lease of a lot, the name of the lessee and the term of the lease.

2. Deleted by Strata Titles Amendment Act 2018

3. POWER OF STRATA COMPANY REGARDING SUBMETERS
(1) If the supply of gas or electricity to a lot is regulated by means of a submeter, the strata company may require the owner or occupier of the lot to pay the strata company by way of security for the payment of charges arising through the submeter an amount not exceeding $200 and, if any amount so paid is applied by the strata company under sub-bylaw (3), to pay such further amount or amounts by way of such security as may be necessary to maintain the amount of the security as, subject to this sub-bylaw, the strata company may require.

[1] Select one.
[2] Insert the name(s) of the owners of land the subject of the plan.

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(2) The strata company must lodge every sum received under this by-law to the credit of an interest-bearing ADI account and all interest accruing in respect of amounts so received must, subject to this by-law, be held on trust for the owner or occupier who made the payment.

(3) If the owner or occupier of a lot in respect of which a submeter is used for the supply of gas or electricity refuses or fails to pay any charges due for the supply of gas or electricity to that lot, the strata company may apply in payment of those charges all, or such part as is necessary, of any amount paid to the strata company by that owner or occupier under this by-law, including any interest that may have accrued in respect of that amount.

(4) If a person who has paid an amount under this by-law to a strata company satisfies the strata company that the person is no longer the owner or occupier of a lot and that the strata company no longer has any liability or contingent liability for the supply of gas or electricity to that lot during the period when that person was an owner or occupier of the lot, the strata company must refund to that person the amount then held on the person's behalf under this by-law.

4. CONSTITUTION OF COUNCIL

(1) The powers and duties of the strata company must, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the council of the strata company and a meeting of the council at which a quorum is present is competent to exercise all or any of the authorities, functions or powers of the council.

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

(3) If there are not more than 3 lots in the scheme, the council consists of all of the owners of the lots and, if there are more than 3 lots in the scheme, the council consists of not less than 3 nor more than 7 of the owners of the lots, as is determined by the strata company.

(4) If there are more than 3 lots in the scheme, the members of the council must be elected at each annual general meeting of the strata company or, if the number of lots in the scheme increases to more than 3, at an extraordinary general meeting convened for the purpose.

(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 special resolution remove any member of the council before the expiration of the member's term of

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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-bylaw (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-bylaw (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

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(b) orally by a nominee who is present at the meeting in person or by proxy.

(4) When no further nominations are forthcoming, the chairperson —
(a) if the number of candidates equals the number of members of the council determined in accordance with the requirements of by-law 4(3), must declare those candidates to be elected as members of the council;
(b) if the number of candidates exceeds the number of members of the council as so determined, must direct that a ballot be held.

(5) If a ballot is to be held, the chairperson must —
(a) announce the names of the candidates; and
(b) cause to be furnished to each person entitled to vote and present in person or by proxy, a blank form in respect of each lot in respect of which the person is entitled to vote for use as a ballot form.

(6) A person who is entitled to vote must complete a valid ballot form by —
(a) writing on the form the names of candidates, equal in number to the number of members of the council so that no name is repeated; and
(b) indicating on the form the number of each lot in respect of which the person's vote is cast and whether the person so votes as owner or first mortgagee of each such lot or as proxy of the owner or first mortgagee; and
(c) signing the ballot form; and
(d) returning it to the chairperson.

(7) The chairperson, or a person appointed by the chairperson, must count the votes recorded on valid ballot forms in favour of each candidate.

(8) Subject to sub-bylaw (9), candidates, being equal in number to the number of members of the council determined in accordance with by-law 4(3), who receive the highest numbers (in terms of lots or unit entitlements as required under the Strata Titles Act 1985 section 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-bylaw (8) and —
(a) that number equals the number of votes recorded in favour of any other candidate; and
(b) if each of those candidates were to be declared elected the number of persons elected would exceed the number of persons required to be elected, as between those candidates, the election must be decided by a show of hands of those entitled to vote and present in person or by proxy.

6. CHAIRPERSON, SECRETARY AND TREASURER OF COUNCIL
(1) The members of a council must, at the first meeting of the council after they assume office as such members, appoint a chairperson, a secretary and a treasurer of the council.

(2) A person —
(a) must not be appointed to an office referred to in sub-bylaw (1) unless the person is a member of the council; and

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(b) may be appointed to 1 or more of those offices.

(3) A person appointed to an office referred to in sub-bylaw (1) holds office until the first of the following events happens —
(a) the person ceases to be a member of the council under by-law 4(9);
(b) receipt by the strata company of a written notice of the person's resignation from that office;
(c) another person is appointed by the council to hold that office.

(3A) The remaining members of the council must appoint a member of the council to fill a vacancy in an office referred to in sub-bylaw (1), other than a vacancy arising under by-law 4(9)(c) or (d), and any person so appointed holds office, subject to this by-law, for the balance of the predecessor's term of office.

(4) The chairperson is to preside at all meetings of the council but, if the chairperson is absent from, or is unwilling or unable to preside at, a meeting, the members of the council present at that meeting can appoint 1 of their number to preside at that meeting during the absence of the chairperson.

7. CHAIRPERSON, SECRETARY AND TREASURER OF STRATA COMPANY
(1) Subject to sub-bylaw (2), the chairperson, secretary and treasurer of the council are also respectively the chairperson, secretary and treasurer of the strata company.

(2) A strata company may at a general meeting authorise a person who is not an owner of a lot to act as the chairperson of the strata company for the purposes of that meeting.

(3) A person appointed under sub-bylaw (2) may act until the end of the meeting for which the person was appointed to act.

8. MEETINGS OF COUNCIL
(1) At meetings of the council, all matters must be determined by a simple majority vote.

(2) The council may —
(a) meet together for the conduct of business and adjourn and otherwise regulate its meetings as it thinks fit, but the council must meet when any member of the council gives to the other members not less than 7 days' notice of a meeting proposed by the member specifying in the notice the reason for calling the meeting; or
(b) employ or engage, on behalf of the strata company, any person as it thinks is necessary to provide any goods, amenity or service to the strata company; or
(c) subject to any restriction imposed or direction given at a general meeting of the strata company, delegate to 1 or more of its members such of its powers and duties as it thinks fit, and at any time revoke the delegation.

(3) A member of a council may appoint an owner of a lot, or an individual authorised under the Strata Titles Act 1985 section 136 by a corporation which is an owner of a lot, to act in the member's place as a member of the council at any meeting of the council.

(4) An owner of a lot or individual may be appointed under sub-bylaw (3) whether or not that person is a member of the council.

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(5) If a person appointed under sub-bylaw (3) is a member of the council the person may, at any meeting of the council, separately vote in the person's capacity as a member and on behalf of the member in whose place the person has been appointed to act.

9. POWERS AND DUTIES OF SECRETARY OF STRATA COMPANY

The powers and duties of the secretary of a strata company include —
(a) the preparation and distribution of minutes of meetings of the strata company and the submission of a motion for confirmation of the minutes of any meeting of the strata company at the next such meeting; and
(b) the giving on behalf of the strata company and of the council of the notices required to be given under the Act; and
(c) the supply of information on behalf of the strata company in accordance with the Strata Titles Act 1985 sections 108 and 109; and
(d) the answering of communications addressed to the strata company; and
(e) the calling of nominations of candidates for election as members of the council; and
(f) subject to the Strata Titles Act 1985 sections 127, 128, 129, 200(2)(f) and (g) the convening of meetings of the strata company and of the council.

10. POWERS AND DUTIES OF TREASURER OF STRATA COMPANY

The powers and duties of the treasurer of a strata company include —
(a) the notifying of owners of lots of any contributions levied under the Strata Titles Act 1985; and
(b) the receipt, acknowledgment and banking of and the accounting for any money paid to the strata company; and
(c) the preparation of any certificate applied for under the Strata Titles Act 1985 section 110; and
(d) the keeping of the records of account referred to in the Strata Titles Act 1985 section 101 and the preparation of the statement of accounts referred to in the Strata Titles Act 1985 section 101.

11. 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 11. 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.

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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 portico, gable 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) making up at least ten percent (10%) of the total surface area of the relevant facade. 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 (24o);

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;

(h) construct out buildings greater than 20m2 and/or higher than 3m unless they are constructed from materials that complement the dwelling in appearance;

Driveways

(i) construct a dwelling, unless a driveway and cross-over between the Carnelian Avenue and CP11 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;

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 CP11 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

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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 11 or a public road. The rubbish bins must be stored in the garage or at the rear of the lot.

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

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(b) use any portion of the common property for the owner's or occupier's own purposes as a garden.

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

5. Deleted by Strata Titles Amendment Act 2018

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

7. DRYING OF LAUNDRY ITEMS AND SIGNAGE
An owner or occupier of a lot must not, except with the consent in writing of the strata company —
(a) hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the building, other than for a reasonable period on any lines provided by the strata company for the purpose; or
(b) display any sign, advertisement, placard, banner, pamphlet or like matter on any part of their lot in such a way as to be visible from outside the building.

8. STORAGE OF INFLAMMABLE LIQUIDS ETC.
An owner or occupier of a lot must not, except with the written approval of the strata company, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material, other than chemicals, liquids, gases or other materials used or intended to be used for domestic purposes, or any such chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

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

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

11. GARBAGE DISPOSAL
An owner or occupier of a lot must —
(a) maintain within their lot, or on such part of the common property as may be authorised by the strata company, in clean and dry condition and adequately covered, a receptacle for garbage;
(b) comply with all local laws relating to the disposal of garbage;
(c) ensure that the health, hygiene and comfort of an owner or occupier of any other lot is not adversely affected by their disposal of garbage.

12. ADDITIONAL DUTIES OF OWNERS AND OCCUPIERS

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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 11 ("CP 11") and all its fixtures and fittings for replacement value contained;
(b) insure CP 11 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 11 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 11, are not damaged during the construction of the building on their lot. If any damage occurs to CP 11 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 11, 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 11, 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.

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(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 11 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 11or 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 11or 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) Visitors to a lot shall be permitted to park in the designated visitor's car parking bay for a maximum time of 8 hours in any 24 hour period. A proprietor, occupier, other resident of a lot shall not be permitted to park in the visitors parking bay at any time.

(5) 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 11. 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.

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.

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 11 that is likely to interrupt occupiers, peaceful enjoyment or cause a hazard or distraction to persons using CP 11.

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 2 – By-laws of Significance

☐ **I** / ☐ **We**[3] acknowledge that the following Governance by-laws need consent from a party other than the strata company if they are to be 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)	Western Australian Planning Commission (WAPC) approval number (if applicable)[7]:
Staged subdivision by-laws[4]:		
By-law under planning (scheme by-laws) condition[5]:		
Exclusive use by-laws[6]:		
Leasehold by-laws[8]:		

THIS PAGE IS NOT APPLICABLE

[3] Select one.
[4] Refer *Strata Titles Act 1985* section 42.
[5] Refer *Strata Titles Act 1985* section 22.
[6] Refer *Strata Titles Act 1985* section 43.
[7] Refer *Strata Titles Act 1985* section 20.
[8] Refer *Strata Titles Act 1985* section 40.

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 3 – Accompanying documents

☐ ~~**Consent Statement – Designated Interest[9] Holders for making / amendment / repeal of staged subdivision by-laws (N/A)**~~

☐ ~~**Consent of the Owner of the Leasehold Scheme**[10] to leasehold by-laws or staged subdivision by-laws (N/A)~~

☐ ~~Written consent of owner of each lot granted exclusive use (owners of special lots) (N/A)~~

☐ ~~Approval of WAPC to making of leasehold by-law providing for postponement of the expiry day for the scheme (N/A)~~

Part 4 – Execution

Date of Execution: _____

(To be signed by each Applicant)

Signed for and on behalf of Byford Land Company Pty Ltd (ACN 117 645 502) by authority of its directors in accordance with s127(1) of the Corporations Act 2001.

_____	_____
Signature	Signature
_____	
Tina Michelle Bazzo	
Sole Director & Secretary	_____
	Full Name
In the presence of:	In the presence of:
_____	_____
Witness Signature	Witness Signature
_____	_____
Full Name	Full Name
_____	_____
Address	Address
_____	_____
Occupation	Occupation

[9] Refer to section 3(1) of the Act for the meaning of designated interest.
[10] Owner of the leasehold scheme has the meaning in section 3(1) of the Act.

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.

GOVERNMENT OF WESTERN AUSTRALIA

Landgate

OFFICE USE ONLY

SB **Scheme By-laws – New Scheme**

Lodged by:[11] _____

Address: _____

Phone Number: _____

Fax Number: _____

Reference Number:

Issuing Box Number: _____

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

_____

Prepared by: **Byford Land Company Pty Ltd**

Address: **48 Wickham Street, East Perth**

Phone Number: **08 9225 6991**

Fax Number: **08 9225 6993**

Reference Number: **Lot 9000 Goraba Strata 89374**

Titles, Leases, Evidence, Declarations etc. lodged herewith

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

OFFICE USE ONLY

Landgate Officer

Number of Items Received: _____

Landgate Officer Initial: _____

[11] 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.

END OF INCORPORATED ANNEXURE G