



Scheme By-laws

Strata Titles Act 1985 (STA)
Part 4 Division 4

Scheme Number: **87347**

Part 1 – Applicant

(a) For existing schemes:

The Owners of¹ _____ (strata company); or

(b) For new schemes:

The owner(s)² **ROSEYFACE PTY LTD (ACN: 650 524 333)** of land the subject of the plan described as³ **Lot 123 on Diagram 10035**

Part 2 – Select Option

Option 1 – Voluntary Consolidation⁴

[This option is to be selected by schemes registered prior to 1/5/2020 that choose to lodge a consolidated set of by-laws updated solely to take account of changes to by-laws made by *Strata Titles Act 1985* Schedule 5 clause 4]

In compliance with the *Strata Titles Act 1985* section 56 and Schedule 5 clause 4 and the *Strata Titles (General) Regulations 2019* regulation 180(2), the Applicant applies to the Registrar of Titles for registration of an amendment to the strata titles scheme by registration of a consolidated set of scheme by-laws at Part 4.

Option 2 – New Scheme

[This option is to be selected if this form is being lodged together with the **Application to register strata titles scheme** and the governance by-laws in Schedule 1 and conduct by-laws in Schedule 2 of the *Strata Titles Act 1985* are being added to, amended or repealed.]

The Applicant applies to the Registrar of Titles to have the consolidated set of scheme by-laws as set out in Part 4 registered with the **Application to register strata titles scheme** in respect of the above land.

Option 3 – Application to Amend

[This option is to be selected by schemes registered under the *Strata Titles Act 1985* that are making additions, amendments or repeals to the existing scheme by-laws.]

In compliance with the *Strata Titles Act 1985* section 56 and *Strata Titles (General) Regulations 2019* regulation 56 and if *Strata Titles Act 1985* Schedule 5 clause 4 and the *Strata Titles (General)*

¹ To be completed as “[scheme name + scheme type + scheme number]” under s.14(2) of the Act, e.g. Pretty Ponds Survey-Strata Scheme 12345.

² Insert the full name(s) of the owners of land the subject of the plan as shown on the certificate of title.

³ Insert the description of parcel, e.g. Lot 1 on Deposited Plan 12345.

⁴ No resolution is required for by-law changes set out in the *Strata Titles Act 1985* Schedule 5 clause 4 and renumbering consequential on those changes.



Regulations 2019 regulation 56 and 180(1) apply to the by-laws of the strata company, the Applicant applies to the Registrar of Titles for registration of an amendment to the strata titles scheme by amending the scheme by-laws at Part 3 and including a consolidated set of scheme by-laws at Part 4.

Part 3 – Application to Amend

[In this part specify additions, amendments and repeals of by-laws]

The Applicant certifies that:

By resolution without dissent, the voting period for which opened on _____ and closed on _____ (and which must be registered within 3 months after the closing date) the **additions**/ **amendments**/ **repeal**⁵ to the Governance by-laws were made as detailed here.

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

and / **or**⁵

By special resolution, the voting period for which opened on _____ and closed on _____ (and which must be registered within 3 months after the closing date) the **additions**/ **amendments**/ **repeal**⁵ to the Conduct by-laws were made as detailed here.

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

and / **or**⁵

By ordinary resolution passed on _____ a by-law specifying a period of 12 months ending on a different date to 30 June was made as detailed here and taken to be a governance by-law in accordance with Strata Titles (General) Regulations 2019 regulation 175(4).

[Insert Governance by-law addition and by-law number here]

[Insert Governance by-law addition and by-law number here]

⁵ Select one.

Part 4 – Consolidated set of by-laws

[In this part provide the full text of the current set of scheme by-laws for the scheme classified as governance or conduct and with the relevant by-law number]

The strata company certifies that the consolidated set of by-laws set out below is the current full set of by-laws for the scheme with the scheme number specified on page 1.

Governance by-laws

Schedule 1 by-laws 1 to 10 are repealed and replaced with the following by-laws 1 to 8:

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. CONSTITUTION OF COUNCIL

- (1) 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.
- (2) 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.

3. CHAIRPERSON, SECRETARY AND TREASURER OF COUNCIL

- (1) The members of a council must, at the first meeting of the council after they assume office as such members, appoint a chairperson, a secretary and a treasurer of the council.
- (2) A person -
 - (a) must not be appointed to an office referred to in sub-by-law (1) unless the person is a member of the council; and
 - (b) may be appointed to 1 or more of those offices.

4. CHAIRPERSON, SECRETARY AND TREASURER OF STRATA COMPANY

- (1) Subject to sub-by-law (2), the chairperson, secretary and treasurer of the council are also respectively the chairperson, secretary and treasurer of the strata company.
- (2) A strata company may at a general meeting authorise a person who is not an owner of a lot to act as the chairperson of the strata company for the purposes of that meeting.
- (3) A person appointed under sub-by-law (2) may act until the end of the meeting for which the person was appointed to act.

5. MEETINGS OF COUNCIL

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- (1) At meetings of the council, all matters must be determined by a simple majority vote.
- (2) 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.

6. POWERS AND DUTIES OF SECRETARY OF STRATA COMPANY

The powers and duties of the secretary of a strata company include -

- (a) the giving on behalf of the strata company and of the council of the notices required to be given under the Act; and
- (b) the answering of communications addressed to the strata company.

7. 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.

8. EXEMPTION FROM CERTAIN PROVISIONS OF THE ACT

(1) The strata company shall pursuant to section 140 of the Strata Titles Act 1985 be exempt from the following designated functions -

- (a) Section 100(1)(a) the requirement for an administrative fund;
- (b) Section 101 accounting records and statement of account;
- (c) Section 104(1)(b) keep minutes of meetings (except for the first AGM);
- (d) Section 104(3)(a) a strata company letterbox;
- (e) Section 105(1) keep a roll of owners/occupiers.

(2) The strata company or an owner may convene a meeting as and when necessary by giving fourteen (14) days' notice of the meeting to all other proprietors and mortgagees setting out the general nature of the business to be discussed.

Conduct by-laws

Schedule 2 by-laws 1 to 15 are repealed.



Part 5 – By-laws of significance

[Please complete Parts 5 and 6 if making, amending or repealing a governance by-law of the kind described in Part 5 and ensure that relevant consents/approvals accompany the Scheme by-laws form]

The Applicant acknowledges that the following governance by-laws need consent from a party other than the strata company if they are to be made, amended or repealed. For more information about who these parties are, refer to the *Strata Titles Act 1985* and the *Strata Titles (General) Regulations 2019*:

By-law number(s)

Staged subdivision by-laws⁶: _____

By-law under planning (scheme by-laws) condition⁷: _____

Exclusive use by-laws⁸:
(existing and new) _____

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

Leasehold by-laws¹⁰: _____

⁶ Refer *Strata Titles Act 1985* section 42.

⁷ Refer *Strata Titles Act 1985* section 22.

⁸ Refer *Strata Titles Act 1985* section 43.

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

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

Part 6 – Accompanying documents

[Select those documents to be lodged as evidence]

- Consent Statement – Designated Interest¹¹ Holders for making / amendment / repeal of staged subdivision by-laws**
- Written consent of owner of each lot granted exclusive use (owners of special lots)
- Written consent of Western Australian Planning Commission (WAPC) or Local Government (as relevant) to amendment or repeal of any by-laws created in relation to a planning (scheme by-laws) condition
- Consent of the Owner of the Leasehold Scheme¹² to leasehold by-laws or staged subdivision by-laws**
- Approval of WAPC to making, amendment or repeal of leasehold by-laws providing for postponement of the expiry day for the scheme

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

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



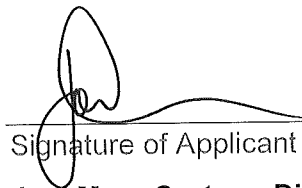
SB Scheme By-laws

Part 7 – Execution


1. For new schemes, owners to sign here:

Date of Execution: _____
(To be signed by each Applicant)

Executed By: ROSEYFACE PTY LTD (ACN: 650 524 333)



Signature of Applicant
Joel Marc Carter – Director/Secretary
Full Name



Signature of Applicant
Diana Ribeiro Carter - Director
Full Name



OFFICE USE ONLY

SB Scheme By-laws

Lodged by:¹³ _____

Address: _____

Phone Number: _____

Fax Number: _____

Reference Number: _____

Issuing Box Number: _____

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

Prepared by: **The Land Division**

Address: **PO Box 2444 Malaga WA 6944**

Phone Number: **08 9209 3232**

Fax Number: **deanne@landdivision.com.au**

Reference Number: **22-9952 - 79 Bishop**

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.