Attachment 3

GOVERNMENT OF WESTERN AUSTRALIA

Landgate

OFFICE USE ONLY

P613983 SB

05 Jul 2023 11:03:53 Perth

SB Scheme By-laws

Lodged by:[17]	Lavan
Address:	Level 18, 1 William Street, PERTH WA 6000
Phone Number:	+ 61 8 9288 6000
Fax Number:	+ 61 8 9288 6001
Reference Number:	1177133
Issuing Box Number:	99A

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:	1177133

Titles, Leases, Evidence, Declarations etc. lodged herewith

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

OFFICE USE ONLY

Landgate Officer

Number of Items Received: 0

Landgate Officer Initial: NS

[17] Lodging Party Name may differ from Applicant Name.

Version #

Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

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2. For existing schemes, strata company to execute here:

Common Seal[13]

Date of Execution: _____

The common seal of[14]

The Owners of Maycrest Apartments Strata Scheme 8136

is fixed to this document in accordance with the *Strata Titles Act 1985* section 118(1) in the presence of:

[AFFIX COMMON SEAL HERE]

Member of Council[15]:

_____
Signature

_____
Full Name

Member of Council[15]:

_____
Signature

_____
Full Name

OR

Not executed under Common Seal[13]

Date of Execution: 27/6/23

Signed for and on behalf of[14] **The Owners of Maycrest Apartments Strata Scheme 8136** in accordance with the *Strata Titles Act 1985* section 118(2):

☐ Member of Council / ☑ Strata Manager of strata company[16]:

Signature

KIM BUNTING
Full Name

☐ Member of Council / ☐ Strata Manager of strata company[16]:

_____
Signature

_____
Full Name

[13] See SIG-14 for execution of documents by a strata company.
[14] Insert the name of the strata company (i.e. The Owners of + scheme name + scheme type + scheme number), e.g. The Owners of Pretty Ponds Survey-Strata Scheme 12345.
[15] The common seal must be witnessed by 2 members of council.
[16] Select whichever is applicable.

Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

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Part 7 – Execution

1. For new schemes, owners to sign here:

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

_____	_____
Signature	Signature
_____	_____
Full Name	Full Name
In the presence of:	In the presence of:
_____	_____
Witness Signature	Witness Signature
_____	_____
Full Name	Full Name
_____	_____
Address	Address
_____	_____
Occupation	Occupation

Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

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Part 6 – Accompanying documents

[Select those documents to be lodged as evidence]

- ☐ **Consent Statement – Designated Interest[11] 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 Scheme**[12] 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*.

Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

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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-laws[6]:	**Not applicable.**	
By-law under planning (scheme by-laws) condition[7]:	**Not applicable.**	
Exclusive use by-laws[8]: (existing and new)	**Schedule 1 by-laws 10 [1] and 10 [2] (existing)**	
		Western Australian Planning Commission (WAPC) approval number (if applicable)[9]:
Leasehold by-laws[10]:	**Not applicable.**	**Not applicable.**

[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.

Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

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EXCLUSIVE USE FOR "MAYCREST APARTMENTS" ON STRATA PLAN 8136, LOT 8 ON DIAGRAM 54633 MEPHAN STREET & RUPERT STREET, MAYLANDS

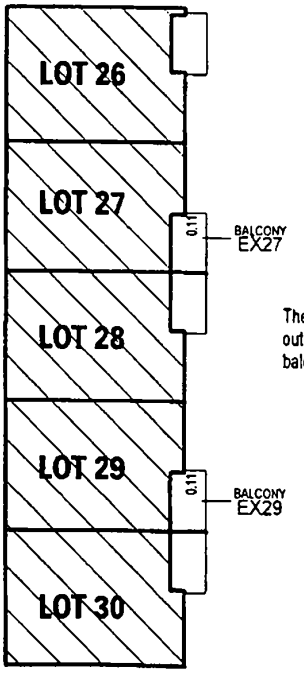
ALL THE AREAS NUMBERED ON THE SKETCH ARE FOR THE EXCLUSIVE USE OF THE CORRESPONDING NUMBERED STRATA LOT

ALL ANGLES 90° UNLESS OTHERWISE NOTED

Ex is "for exclusive use"

SECOND FLOOR

SCALE 1:300



The boundaries of the part lots outside the building designated balcony, are the edge of concrete slab.

AM

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EXCLUSIVE USE FOR "MAYCREST APARTMENTS" ON STRATA PLAN 8136, LOT 8 ON DIAGRAM 54633 MEPHAN STREET & RUPERT STREET, MAYLANDS

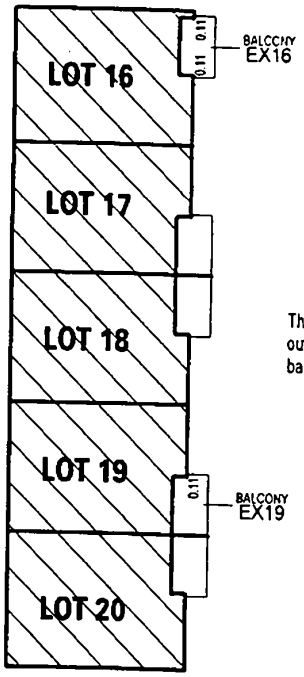
ALL THE AREAS NUMBERED ON THE SKETCH ARE FOR THE EXCLUSIVE USE OF THE CORRESPONDING NUMBERED STRATA LOT

ALL ANGLES 90° UNLESS OTHERWISE NOTED

Ex is "for exclusive use"

GROUND FLOOR

SCALE 1:300



The boundaries of the part lots outside the building designated balcony, are the edge of concrete slab.

AM

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EXCLUSIVE USE FOR "MAYCREST APARTMENTS" ON STRATA PLAN 8136, LOT 8 ON DIAGRAM 54633 MEPHAN STREET & RUPERT STREET, MAYLANDS

SHEET 1 OF 3

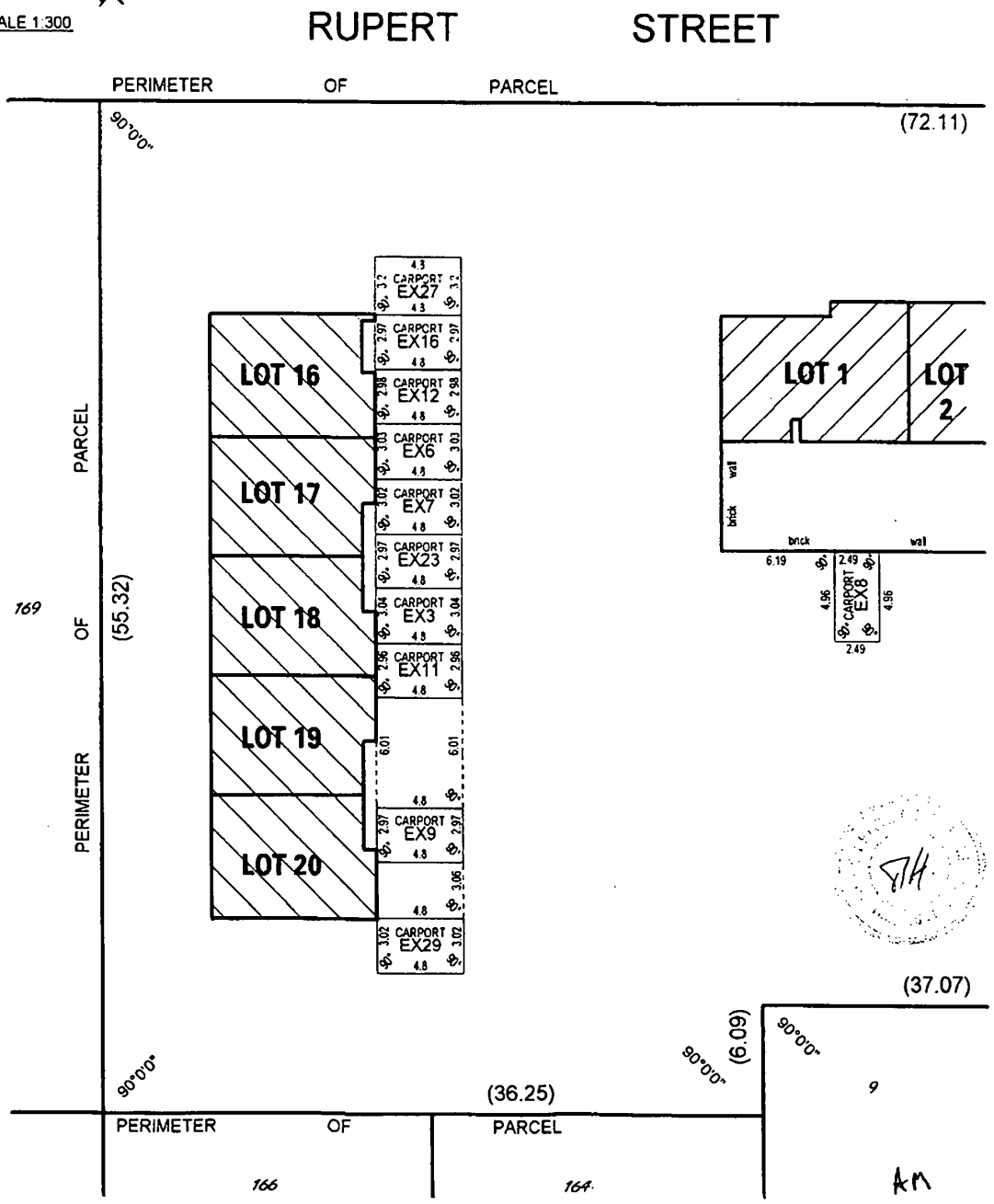
ALL THE AREAS NUMBERED ON THE SKETCH ARE FOR THE EXCLUSIVE USE OF THE CORRESPONDING NUMBERED STRATA LOT

ALL ANGLES 90° UNLESS OTHERWISE NOTED

Ex is "for exclusive use"

LOWER GROUND FLOOR

SCALE 1:300



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13 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.

14 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.

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(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.

7 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.

8 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.

9 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.

10 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.

11 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.

12 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.

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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 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.

6 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

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13 Insurance Excess

13.1 An owner is responsible for the cost of the insurance excess payable by the strata company for any insurance claim made against the strata company's insurance policy, including any insurance claim whether such loss or damage occurs:

13.1.1 to any part of the building structure within their lot due to any negligent act or omission of the owner;

13.1.2 to any part of the common property structure surrounding the owner's lot due to any negligent act or omission of the owner;

13.1.3 to the fixtures and improvements of the owner of that lot; and

13.1.4 to any part of the common property or personal property of the strata company other than the common property referred to in sub-bylaw 13.1.2, where:

(a) the owner is directly responsible for the loss of, or damage to, that common property or personal property of the strata company; and

(b) the insurance claim is made by the strata company.

13.2 The responsibility of the owner under sub-bylaw 13.1 extends, but is not limited to, an insurance claim for damage, breakage or loss, whether accidental or otherwise to:

13.2.1 glass (windows, doors, shower screens and mirrors); and

13.2.2 porcelain, vitreous china, or similar fixtures (such as vanity basins).

13.3 For all amounts payable as an insurance excess referred to in sub-bylaw 13.1 (**Excess Costs**), the strata company will:

13.3.1 raise the amount required for the Excess Costs as part of the administrative fund of the strata company in accordance with section 100(1)(a) of the Act; and

13.3.2 levy contributions for the Excess Costs solely on the owner referred to in sub-bylaw 13.1 (**Respective Owner**) in accordance with section 100(1)(c)(ii) of the Act.

13.4 All excess Costs also become a debt due by the Respective Owner to the strata company and may be recovered by the Strata Company in a court of competent jurisdiction.

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and being Lots 16,19,27 & 29, provided that no registered proprietor shall alter, modify, erect or carry out any improvements on the common property for which exclusive use has been granted without first receiving the written approval of the Strata Company. Further a registered proprietor shall not seek or apply to the WA Planning Commission, Local Authority, or any other statutory authority for a change of use of the Balcony, without first obtaining the written approval of the Strata Company.

The allocation of the exclusive use area shall be continuous until the termination of the Strata Scheme or until this by-law is repealed by a Resolution without Dissent and such repeal is registered on the Strata Plan.

Notwithstanding Section 42[8] the Strata Company will retain the responsibility to properly maintain and keep in a state of good and serviceable repair the Balconies delineated on the attached plan.

By-law 11 Recovery of Costs by Strata Company

1. If the proprietor of a lot refuses or fails to pay to the strata company any amount due for levies (whether under section 36(1) or section 36(2) of the Act) or any other amount due, the strata company may take such lawful action as it deems necessary to recover that amount from the proprietor (including proceedings in any court of competent jurisdiction). All costs incurred in taking such action including, but not limited to:

   (a) strata company manager's costs, pursuant to their Strata Management Contract or as otherwise determined by the strata company;

   (b) legal costs on a solicitor/owner-client basis; and

   (c) debt recovery agency's costs; may be included and claimed in such action. All costs shall be payable by the proprietor.

   (d) in respect of costs other than legal costs, as liquidated damages; and

   (e) in respect of legal costs of proceedings in a court of competent jurisdiction, as costs of those proceedings on a solicitor/owner-client basis, provided always that before issuing any proceedings the strata company shall issue or cause to be issued to the proprietor a written notice specifying amounts owing, including interest, to that date in respect of which such proceedings are to be taken.

2. To the extent that the strata company may be precluded from claiming all or any part of the costs incurred pursuant to this by-law as liquidated damages, the council of owners is hereby empowered, when required:

   (a) to determine that costs incurred pursuant to this by-law shall be included in the amounts to be raised for the purposes set out in section 36(1)(a) of the Act (specifically, the strata company's obligation to pay the costs of the parties engaged to assist in the recovery action contemplated by this by-law); and

   (b) to exercise the function prescribed by section 36(1)(c) of the Act in accordance with the provisions of this by-law (in which case a contribution under that section in respect of the relevant costs shall be deemed to have been levied on the proprietor by service of notice under paragraph 45(1) of this by-law) by duly appointed proxy constitutes a quorum.

12 Financial Year

The Financial Year for the Strata Company is the period of 12 months ending on 31 January.

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(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.

9 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.

BY-LAW 10 [1] CARBAYS/CARPORTS

The Proprietors of Lots 3[carport 23]; 6[carport 20]; 7[carport 21]; 8[carbay 8]; 9[carport 27]; 11[carport 24]; 12[carport 19]; 16[carport 18]; 23[carport 22]; 27[carport 17]; & 29 [carport 29] shall be entitled to the exclusive use of the carbay or carports, marked 'CARBAY/CARPORT' and corresponding to the above respective carbay/carport numbers on the attached plan, provided that the registered proprietor of the lot shall not allow the storage of any material within the allocated area and shall keep the allocated area in a neat and tidy manner and provided further that the registered proprietor shall only allow the parking of a private motor vehicle in the allocated area and no commercial vehicle, caravan, trailer, float or any other vehicle which is not compatible with the residential property shall be permitted unless written approval from the Strata Company is obtained.

No registered Proprietor shall erect or carry out any improvements in the allocated area without first receiving the written approval of the Strata Company, further a registered Proprietor shall not seek or apply to the WA Planning Commission, Local Authority or any other statutory authority for a change of use or occupancy, without first obtaining the prior written approval of the Strata Company.

The allocation of the exclusive use area shall be continuous until the termination of the Strata Scheme or until this by-law is repealed by a Resolution Without Dissent and such repeal registered on the Strata Plan.

Notwithstanding Section 42[8] the Strata Company will retain the responsibility to properly maintain and keep in a state of good and serviceable repair of these exclusive use areas as delineated on the attached plan.

BY-LAW 10 [2] BALCONY

The common areas as marked 'BALCONY' on the attached plan, shall be for the exclusive use of the registered proprietor of the respective lots to which they are adjacent and shown on the attached plan

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(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.

6 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.

7 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.

(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.

8 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

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(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 3(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.

5 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

(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 3(7);

(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 3(7)(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.

Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

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sub-bylaw (7)(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.

(9) 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.

(10) 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.

(11) 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.

4 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 3(3) the number of persons of whom the council is to consist.

(2) The chairperson must call on those persons who are present at the meeting in person or by proxy and entitled to nominate candidates to nominate candidates for election to the council.

(3) A nomination is ineffective unless supported by the consent of the nominee to the nomination, given —

(a) in writing, and furnished to the chairperson at the meeting; or

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

(4) When no further nominations are forthcoming, the chairperson —

(a) if the number of candidates equals the number of members of the council determined in accordance with the requirements of by-law 3(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

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company must refund to that person the amount then held on the person's behalf under this by-law.

3 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) 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.

(6) 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 office.

(7) 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 (6); or

(f) if the Tribunal orders that the member's appointment is revoked and the member is removed from office.

(8) 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

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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

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 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.

(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

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13.4 All excess Costs also become a debt due by the Respective Owner to the strata company and may be recovered by the Strata Company in a court of competent jurisdiction.

☒ **and** / ☐ **or**[5]

By special resolution, the voting period for which opened on **N/A** and closed on **N/A** (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.

☒ **and** / ☐ **or**[5]

By ordinary resolution passed on **14/03/2023** 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).

Schedule 1 by-law 12 be added as follows:

12 Financial Year

The Financial Year for the Strata Company is the period of 12 months ending on 31 January.

Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

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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 **14/03/2023** and closed on **11/04/2023** (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.

Schedule 1 by-law 13 be added as follows:

13 Insurance Excess

13.1 An owner is responsible for the cost of the insurance excess payable by the strata company for any insurance claim made against the strata company's insurance policy, including any insurance claim whether such loss or damage occurs:

13.1.1 to any part of the building structure within their lot due to any negligent act or omission of the owner;

13.1.2 to any part of the common property structure surrounding the owner's lot due to any negligent act or omission of the owner;

13.1.3 to the fixtures and improvements of the owner of that lot; and

13.1.4 to any part of the common property or personal property of the strata company other than the common property referred to in sub-bylaw 13.1.2, where:

(a) the owner is directly responsible for the loss of, or damage to, that common property or personal property of the strata company; and

(b) the insurance claim is made by the strata company.

13.2 The responsibility of the owner under sub-bylaw 13.1 extends, but is not limited to, an insurance claim for damage, breakage or loss, whether accidental or otherwise to:

13.2.1 glass (windows, doors, shower screens and mirrors); and

13.2.2 porcelain, vitreous china, or similar fixtures (such as vanity basins).

13.3 For all amounts payable as an insurance excess referred to in sub-bylaw 13.1 (**Excess Costs**), the strata company will:

13.3.1 raise the amount required for the Excess Costs as part of the administrative fund of the strata company in accordance with section 100(1)(a) of the Act; and

13.3.2 levy contributions for the Excess Costs solely on the owner referred to in sub-bylaw 13.1 (**Respective Owner**) in accordance with section 100(1)(c)(ii) of the Act.

[5] Select one.

Please note: As stated in the *Strata Titles Act 1985* (Act) section 59 the Registrar of Titles is not obliged to examine scheme by-laws lodged for registration for compliance with the Act, it must not be presumed that because the Registrar of Titles has registered scheme by-laws, the by-laws are valid or enforceable and the State does not guarantee the validity or enforceability of scheme by-laws.

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Scheme By-laws

Strata Titles Act 1985 (STA)
Part 4 Division 4

Scheme Number: **8136**

Part 1 – Applicant

(a) For existing schemes:

The Owners of[1] **Maycrest Apartments Strata Scheme 8136** (strata company); or

(b) For new schemes:
The owner(s)[2] _____ of land the subject of the plan described as[3]

_____

Part 2 – Select Option

☐ **Option 1 – Voluntary Consolidation[4]**

[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)*

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[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.

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