

# Attachment 3 (1 of 2)



OFFICE USE ONLY  
**P463922 SB**  
28 Feb 2023 09:24:49 Perth

**SB** Scheme By-laws – First Consolidation

Lodged by:<sup>11</sup> Lavan

Address: Level 18, 1 William Street  
PERTH WA 6000

Phone Number: + 61 8 9288 6000

Fax Number: + 61 8 9288 6001

Reference Number: 1175394

Issuing Box Number: 99A

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

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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: 1175394

Titles, Leases, Evidence, Declarations etc. lodged herewith

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**OFFICE USE ONLY**

Landgate Officer

Number of Items Received: 0

Landgate Officer Initial: AL

<sup>11</sup> Lodging Party Name may differ from Applicant Name.  
Version 2

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 6 – Execution**

1. Common Seal<sup>7</sup>

Date of Execution: \_\_\_\_\_

The common seal of<sup>8</sup>

**The Owners of Sorrento Terrace Strata Scheme 55**

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<sup>9</sup>:

Member of Council<sup>9</sup>:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Full Name

\_\_\_\_\_  
Full Name

OR

2. No Common Seal<sup>7</sup>

Date of Execution: 21/2/23

Signed for and on behalf of<sup>8</sup> **The Owners of Sorrento Terrace Strata Scheme 55** in accordance with the *Strata Titles Act 1985* section 118(2):

Member of Council /  Strata Manager of strata company<sup>10</sup>:

Member of Council /  Strata Manager of strata company<sup>10</sup>:

Signature

\_\_\_\_\_  
Signature

KIM BUNTING  
Full Name

\_\_\_\_\_  
Full Name

<sup>7</sup> See SIG-14 for execution of documents by a strata company.

<sup>8</sup> 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.

<sup>9</sup> The common seal must be witnessed by 2 members of council.

<sup>10</sup> Select whichever is applicable.



## **Part 5 – Attachments**

- Consent Statement – Designated Interest<sup>6</sup> Holders for making / amendment / repeal of staged subdivision by-laws**
- Written consent of owner of each lot granted exclusive use (owners of special lots)
- Written consent of Western Australian Planning Commission or Local Government (as relevant) to amendment or repeal of any by-laws created in relation to a planning (scheme by-laws) condition

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<sup>6</sup> Refer to section 3(1) of the Act for the meaning of designated interest.  
Version 2

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



#### **Part 4 – By-laws of Significance**

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

By-law number(s)

**Staged subdivision by-laws<sup>3</sup>: Not applicable**

**By-law under planning (scheme by-laws) condition<sup>4</sup>: Not applicable**

**Exclusive use by-laws<sup>5</sup>: Schedule 1 By-law 10 (existing)**  
(existing and new)

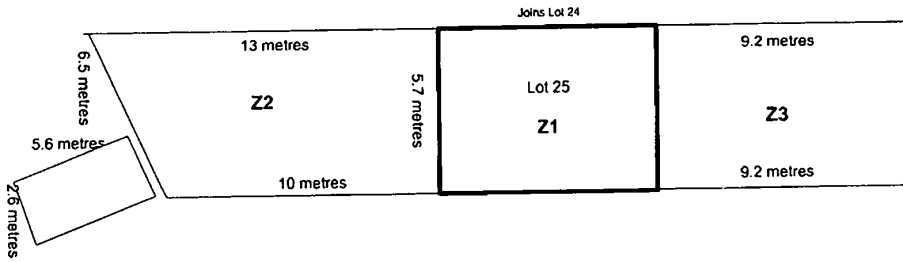
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<sup>3</sup> Refer *Strata Titles Act 1985* section 42.

<sup>4</sup> Refer *Strata Titles Act 1985* section 22.

<sup>5</sup> Refer *Strata Titles Act 1985* section 43.

THE OWNERS OF SORRENTO TERRACE STRATA PLAN 55



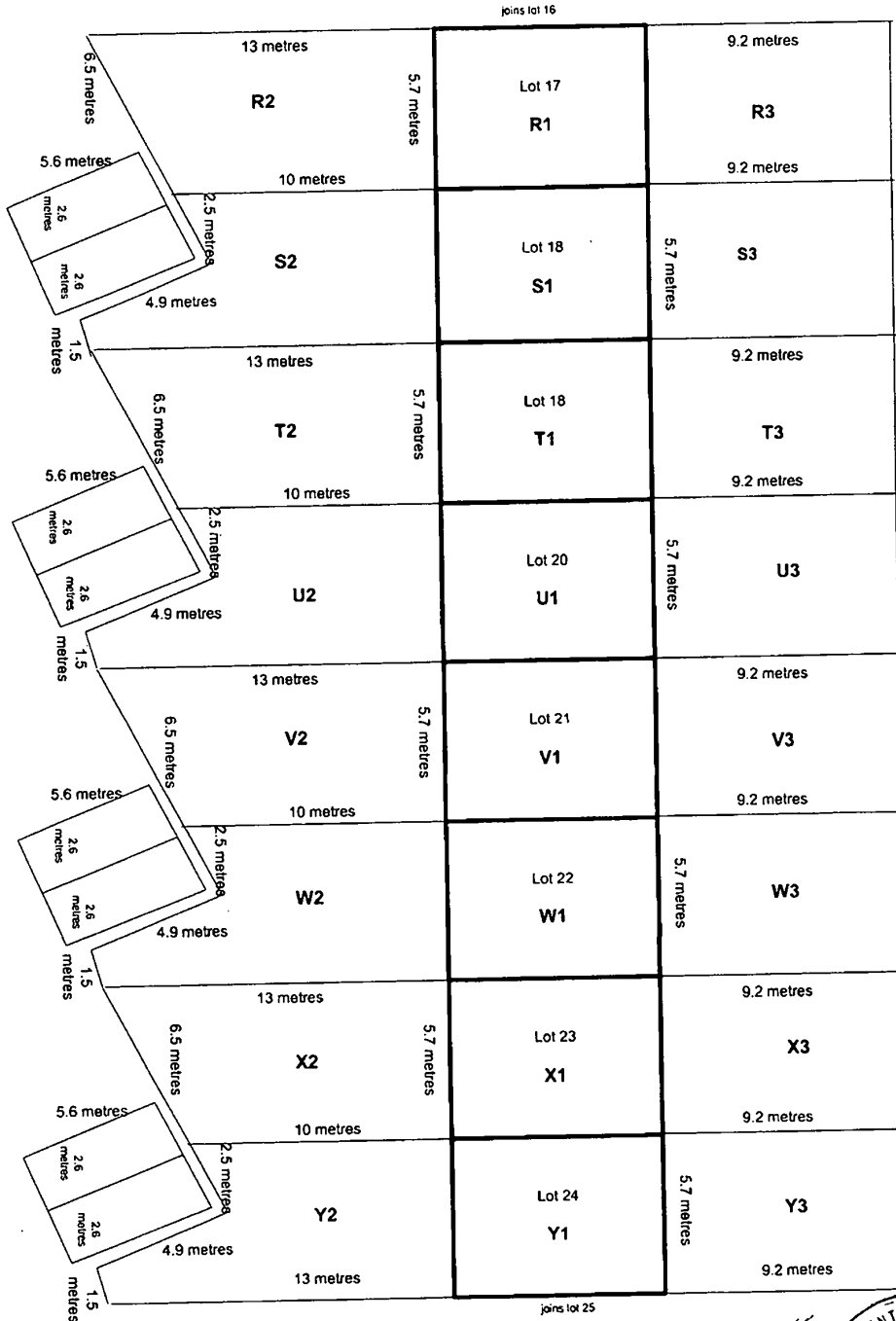
The Common Seal of the OWNERS OF SORRENTO TERRACE Strata Plan No 55 was hereunto affixed on 6<sup>th</sup> June 2004 in the Presence of -

*[Signature]* M. KOPEC.  
*[Signature]* A. WIND  
Members of the Council.



Lot 25 (street number 1)

THE OWNERS OF SORRENTO TERRACE STRATA PLAN 55



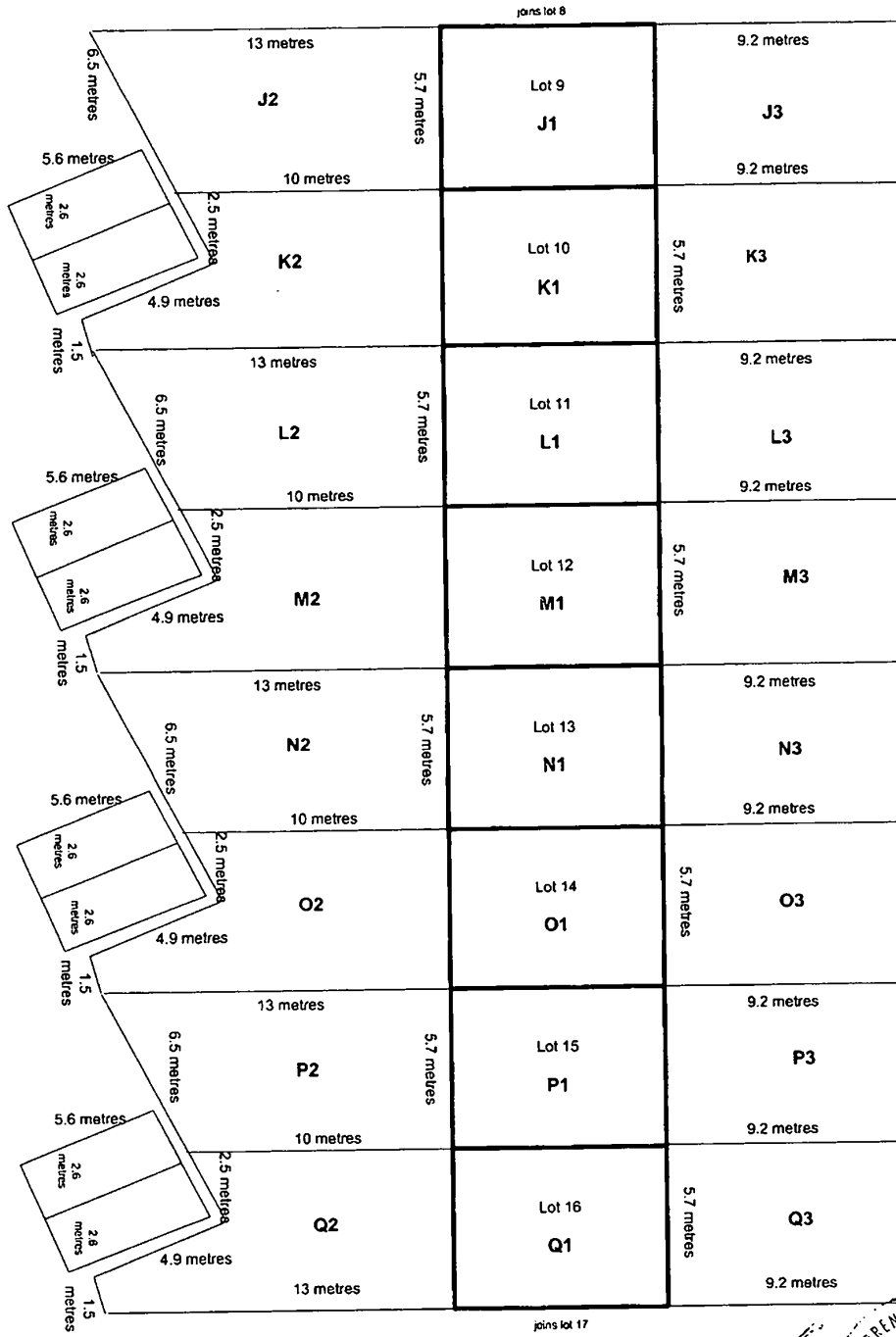
The Common Seal of the OWNERS OF SORRENTO TERRACE Strata Plan No 55 was hereunto affixed on 16 June 2004 in the Presence of -

*Robert M KOPEC*  
*A. UMAN*  
 Members of the Council.

Lots 17 to 24 (street numbers 1A - 9)



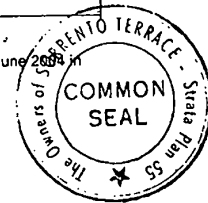
THE OWNERS OF SORRENTO TERRACE STRATA PLAN 55



The Common Seal of the OWNERS OF SORRENTO TERRACE Strata Plan No 55 was hereunto affixed on 16 June 2004 in the Presence of -

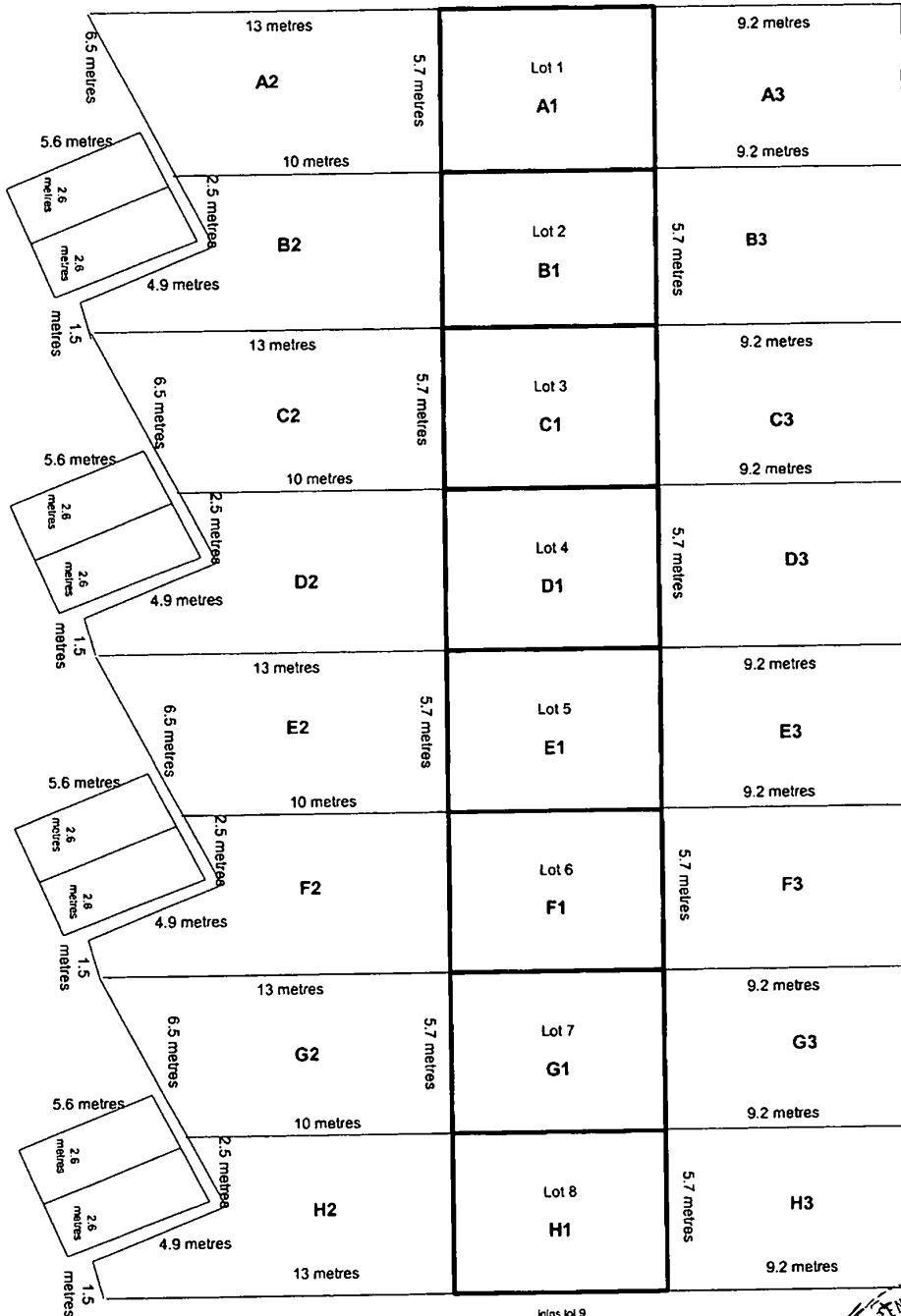
*[Signature]* M. KOPEC.  
*[Signature]* A. LYNN  
 Members of the Council.

Lots 9 to 16 (street numbers 9A - 17)





THE OWNERS SORRENTO TERRACE STRATA PLAN 55



The Common Seal of the OWNERS OF SORRENTO TERRACE Strata Plan No 55 was hereunto affixed on 2004 in the Presence of -

*[Signature]* M. KOPEC.  
*[Signature]* A. WINN  
 Members of the Council.



Lots 1 to 8 (street numbers 17A - 25)



**13 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.

14. All exterior paintwork for the lots is to be carried out by the Strata Company and to be of a colour determined by a majority of lot owners.

15. The driveway at the rear of the property shall be used only by vehicles entering from Warwick Road and exiting at Myrtle Avenue.

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.

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.

**7 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.

**8 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.

**9 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.

**10 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.

**11 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.

**12 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.

## 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 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.

### 6 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

- 17.5.2 recovering any outstanding amounts otherwise owing from the owner to the strata company under either or both the Act or these by-laws;
- 17.5.3 making good any damage to the common property or personal property of the strata company caused by:
- (a) the owner or an occupier of the owner's lot;
  - (b) an invitee of the owner; or
  - (c) an invitee of the occupier of the owner's lot;
- 17.5.4 Remedying a breach of the by-laws or the Act committed by:
- (a) the owner; or
  - (b) an occupier of the owner's lot.
- 17.5.5 Rectifying any unauthorised works on common property undertaken as a result of an instruction or action of the owner or occupier of the owner's lot;
- 17.5.6 all Legal Proceedings taken by the strata company against the owner or an occupier of the owner's lot;
- 17.5.7 all Legal Proceedings taken by the owner against the strata company or in which the strata company becomes involved and the owner is not successful or is only partly successful in those Legal Proceedings; and
- 17.5.8 all Legal Proceedings taken by:
- (a) an occupier of the owner's lot; or
  - (b) a mortgagee of the owner's lot,
- against the strata company or in which the strata company becomes involved and that occupier or mortgagee (as the case may be) is not successful or is only partly successful in those Legal Proceedings.
- 17.6 The council of the strata company is empowered:
- 17.6.1 to include the amount of the Costs in the amounts to be raised for the purposes of section 100(1)(a) of the Act; and
  - 17.6.2 raise the amount of the Costs by levying a contribution for those Costs solely on that owner referred to in by-law 17.1 in accordance with section 100(1)(c)(ii) of the Act.
- 17.7 The Costs are also recoverable by the strata company against the owner as a liquidated debt and the strata company may take action for the recovery of those amounts in any court of competent jurisdiction.

- 16.3.1 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
- 16.3.2 levy contributions for the Excess Costs solely on the owner referred to in by-law 16.1 (**Respective Owner**) in accordance with section 100(1)(c)(ii) of the Act.
- 16.4 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.
- 17 Recovery Costs**
- 17.1 If a proprietor of a lot refuses or fails to pay to the Strata Company any amount due for levies 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.
- 17.2 **Costs** include, without limitation:
- 17.2.1 the strata manager's costs;
- 17.2.2 debt recovery costs;
- 17.2.3 legal costs and disbursements on a solicitor and own client indemnity basis
- 17.2.4 costs of any consultants and experts; and
- 17.2.5 costs of any employees of and contractors to the strata company preparing for or being involved in the Legal Proceedings.
- 17.3 **Legal Proceedings** include, without limitation:
- 17.3.1 the issuing of a notice alleging a breach of the Act or by-laws that could lead to an application to the State Administrative Tribunal (**SAT**), a tribunal or any court;
- 17.3.2 an application to a court, or any other tribunal:
- (a) to recover any amount of money owing to the strata company by an owner; or
- (b) for any other matter;
- 17.3.3 an application to SAT for relief under the Act, which includes without limitation any order, interim order or declaration made by SAT; and
- 17.3.4 an application for leave to appeal to the Supreme Court or the Court of Appeal from an order of SAT or another court order and any further appeals related to that appeal.
- 17.4 An owner will indemnify the strata company and each of its employees, agents, contractors, sub-contractors and authorised representatives against any injury, harm, loss or damage suffered or incurred by them as a result of any breach of these by-laws or the Act by the owner or any of the occupiers of the owner's lot.
- 17.5 Without limiting by-law the above, an owner will pay on demand the whole of the strata company's Costs incurred in relation to any or all of the following:
- 17.5.1 recovering outstanding contributions levied by the strata company on that owner pursuant to either or both section 43 or 100 of the Act;

depicted on the strata plan or are part of the common property shall be deemed to be services which the proprietor of a lot agrees shall be provided by the strata company. The cost of such maintenance, repair, cleaning and replacement shall be raised by either a special levy or may be included in the administrative fund with all proprietors contributing to this expenditure in accordance with the unit entitlements of their lot.

**14 Depositing rubbish etc. on common property**

A proprietor, occupier or other resident of a lot shall not deposit or throw upon that lot or any other lot or the common property any rubbish, dirt, dust, furniture, white goods, cardboard, bottles or other material likely to interfere with the peaceful enjoyment of another proprietor, occupier or resident or of any person lawfully using the common property.

If the strata company expends money to remove discarded items as described above that can reasonably be assumed to have been left on the common property by vacating tenants, the Strata Company shall be entitled to recover the amount so expended as a debt in an action in any court of competent jurisdiction from the proprietor.

**15 Financial year**

The Financial Year for the Strata Company is the period of 12 months ending on 30 September.

**16 Insurance Excess**

16.1 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:

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

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

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

16.1.4 to any part of the common property or personal property of the strata company other than the common property referred to in by-law 16.1.2, 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.

16.2 The responsibility of the owner under by-law 16.1 extends, but is not limited to, an insurance claim for damage, breakage or loss, whether accidental or otherwise to:

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

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

16.3 For all amounts payable as an insurance excess referred to in by-law 16.1 (**Excess Costs**), the strata company will:

- 1.2 It shall be competent for the strata company in proceedings commenced in any Court of competent jurisdiction to recover due levies, to claim in such proceedings all costs incurred in taking such action including costs incurred up to entry of judgment.
- 1.3 The quantum of legal costs incurred in taking action to recover due levies, shall be the costs payable by the strata company to its solicitors. The strata company shall within three days of receiving an invoice for legal fees forward by pre-paid post to the proprietor in respect of whom the legal fees have been incurred a copy of that invoice. Upon receipt of that or upon the date when the invoice would have been received in the normal course of mail the proprietor shall forthwith make payment thereof to the strata company.
- 1.4 A certificate from the solicitors retained by the strata company, stating the amount of costs incurred in prosecuting an action to recover due levies from a proprietor, shall be conclusive evidence of the amount due and payable by the proprietor for which amount judgment may be entered against the proprietor in any Court of competent jurisdiction.
- 1.5 Simple interest at the prescribed rate shall be payable by the proprietor to the strata company on costs incurred by the strata company in taking action (including proceedings in any Court of competent jurisdiction) to recover due levies. Such interest shall commence and be payable from the date a copy of the invoice would have been received in the mail as required by By-Law 1.3 and shall cease to be payable upon payment of all costs and interest accrued thereon. Interest upon interest shall not be charged or accrue.

In the event that the strata company does not receive payment of costs incurred when payment of due levies is received from a proprietor and judgment for those costs has not been obtained from a Court of competent jurisdiction then those costs and simple interest thereon at the prescribed rate, being an administrative expense of the strata company shall be levied in accordance with section 36(1)(c)(ii) of the Act on the proprietor in respect of whom the cost was incurred, and if unpaid shall be recoverable as an unpaid levy in accordance with this by-law.

### 13 ROOFS, GUTTERS, DOWNPIPES AND ASSOCIATED FITTINGS

- (1) The boundaries of the lots that are depicted on the floor plan sheet of the strata plan have the boundaries of the lots to the external surfaces of the buildings depicted on the strata plan in accordance with section 3AB of the Act. The proprietors of the lots acknowledge and agree that they do not wish to be responsible for the maintenance, cleaning and repair of their roofs, gutters, downpipes and any soak wells connected to the roof drainage system, that form part of their lots.
- (2) In accordance with section 42(1)(c) of the Act, the strata company may make by-laws for matters relating to the management, control, use and enjoyment of the lots. The strata company wishes to maintain a uniform and harmonious external appearance of the buildings, regardless of the lot boundaries. The proprietors acknowledge and agree they do not want to be responsible for the maintenance, cleaning and repair of roofs, gutters, downpipes and any soak wells that are connected to the roof drainage system of their respective lots. To formalise this arrangement and in accordance with section 42(1)(c) of the Act, the painting, maintenance and repair of all external parts of the roofs, eaves, gutters, downpipes and the respective soak wells used for roof drainage system that are buildings

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- (ii) the removal of all vegetation, plant life and other things situate on their Lot that interfere or are likely to interfere with section 11 Strata Titles Act 1985 easements;
  - (iii) the maintenance and repair of the internal fence bordering their Lot but each fence dividing 2 Lots shall be subject to the provisions of the Dividing Fences Act 1961 as amended;
  - (iv) the landscaping of their Lot provided that the landscaping has been approved by the Strata Council who are satisfied that the proposed works are in keeping with the rest of the development and provide for adequate drainage.
- (B)
- (i) The owner of a Lot shall permit the Strata Company, its servants and agents to access their Lot for the purposes of carrying out its duties under these By-laws and for works as shall be required for the installation and maintenance of sewers at a reasonable time on notice given to the owner.
  - (ii) The grant of exclusive possession is subject to the implied easements stated in section 11 Strata Titles Act 1985 as amended.
  - (iii) The owner of a Lot shall not erect any attachment (as prescribed by s 37B Strata Titles General Regulations 1996) to their Lot or dwelling without complying with the procedure set out in s7 Strata Titles Act as amended.
  - (iv) The owner of a Lot must keep the exclusive use area clean and in good repair and must not store within that area any thing that detracts from the overall presentation of the building.
- (C) The Strata Company may give notice requiring an owner to comply with any of the above conditions and the proprietor shall comply with the terms of the notice within 1 month.

## 12 Recovery of Costs by Strata Company

1.1 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:

- 1.1.1 strata company manager's costs, pursuant to the strata management contract or as otherwise determined by the strata company;
- 1.1.2 legal costs on an indemnity basis; and
- 1.1.3 debt recovery agency's costs;

are an administrative expense of the strata company and become a debt due and payable by the proprietor to the strata company, and shall be recoverable by the strata company when recovering due levies.

- (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.

10 The Strata Company hereby confers on each owner free of charge but subject to the conditions contained below the exclusive use and enjoyment of the area designated in the table below and marked on the Diagram annexed and such area shall be included in the definition of Owner's Lot:

LOT OWNER	AREA	LOT OWNER	AREA
1	A1,A2,A3	14	O1,O2,O3
2	B1,B2,B3	15	P1,P2,P3
3	C1,C2,C3	16	Q1,Q2,A3
4	D1,D2,D3	17	R1,R2,R3
5	E1,E2,E3	18	S1,S2,S3
6	F1,F2,F3	19	T1,T2,T3
7	G1,G2,G3	20	U1,U2,U3
8	H1,H2,H3	21	V1,V2,V3
9	J1,J2,J3	22	W1,W2,W3
10	K1,K2,K3	23	X1,X2,X3
11	L1,L2,L3	24	Y1,Y2,Y3
12	M1,M2,M3	25	Z1,Z2,Z3
13	N1,N2,N3		

11. Conditions of exclusive use:

- (A) The Owner of a Lot to whom exclusive use of an area is granted shall be responsible for:
  - (i) the maintenance, emptying, repair and decommissioning of any septic tank or waste disposal system utilised by and contained within their Lot;

- (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

- (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.

- (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

### 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 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.

**Part 3 – Consolidated By-laws of Scheme Number: 55**

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



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

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







- (a) an occupier of the owner's lot; or
- (b) a mortgagee of the owner's lot,

against the strata company or in which the strata company becomes involved and that occupier or mortgagee (as the case may be) is not successful or is only partly successful in those Legal Proceedings.

17.6 The council of the strata company is empowered:

17.6.1 to include the amount of the Costs in the amounts to be raised for the purposes of section 100(1)(a) of the Act; and

17.6.2 raise the amount of the Costs by levying a contribution for those Costs solely on that owner referred to in by-law 17.1 in accordance with section 100(1)(c)(ii) of the Act.

17.7 The Costs are also recoverable by the strata company against the owner as a liquidated debt and the strata company may take action for the recovery of those amounts in any court of competent jurisdiction.

and /  or<sup>2</sup>

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 from closing date) the  additions/  amendments/  repeal<sup>2</sup> to the Conduct by-laws were made as detailed here.

- 17.3 **Legal Proceedings** include, without limitation:
- 17.3.1 the issuing of a notice alleging a breach of the Act or by-laws that could lead to an application to the State Administrative Tribunal (**SAT**), a tribunal or any court;
  - 17.3.2 an application to a court, or any other tribunal:
    - (a) to recover any amount of money owing to the strata company by an owner; or
    - (b) for any other matter;
  - 17.3.3 an application to SAT for relief under the Act, which includes without limitation any order, interim order or declaration made by SAT; and
  - 17.3.4 an application for leave to appeal to the Supreme Court or the Court of Appeal from an order of SAT or another court order and any further appeals related to that appeal.
- 17.4 An owner will indemnify the strata company and each of its employees, agents, contractors, sub-contractors and authorised representatives against any injury, harm, loss or damage suffered or incurred by them as a result of any breach of these by-laws or the Act by the owner or any of the occupiers of the owner's lot.
- 17.5 Without limiting by-law the above, an owner will pay on demand the whole of the strata company's Costs incurred in relation to any or all of the following:
- 17.5.1 recovering outstanding contributions levied by the strata company on that owner pursuant to either or both section 43 or 100 of the Act;
  - 17.5.2 recovering any outstanding amounts otherwise owing from the owner to the strata company under either or both the Act or these by-laws;
  - 17.5.3 making good any damage to the common property or personal property of the strata company caused by:
    - (a) the owner or an occupier of the owner's lot;
    - (b) an invitee of the owner; or
    - (c) an invitee of the occupier of the owner's lot;
  - 17.5.4 Remediating a breach of the by-laws or the Act committed by:
    - (a) the owner; or
    - (b) an occupier of the owner's lot.
  - 17.5.5 Rectifying any unauthorised works on common property undertaken as a result of an instruction or action of the owner or occupier of the owner's lot;
  - 17.5.6 all Legal Proceedings taken by the strata company against the owner or an occupier of the owner's lot;
  - 17.5.7 all Legal Proceedings taken by the owner against the strata company or in which the strata company becomes involved and the owner is not successful or is only partly successful in those Legal Proceedings; and
  - 17.5.8 all Legal Proceedings taken by:

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

- 16.1.1 to any part of the building structure within their lot due to any negligent act or omission of the owner;
- 16.1.2 to any part of the common property structure surrounding the owner's lot due to any negligent act or omission of the owner;
- 16.1.3 to the fixtures and improvements of the owner of that lot; and
- 16.1.4 to any part of the common property or personal property of the strata company other than the common property referred to in by-law 16.1.2, 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.
- 16.2 The responsibility of the owner under by-law 16.1 extends, but is not limited to, an insurance claim for damage, breakage or loss, whether accidental or otherwise to:
  - 16.2.1 glass (windows, doors, shower screens and mirrors); and
  - 16.2.2 porcelain, vitreous china, or similar fixtures (such as vanity basins).
- 16.3 For all amounts payable as an insurance excess referred to in by-law 16.1 (**Excess Costs**), the strata company will:
  - 16.3.1 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
  - 16.3.2 levy contributions for the Excess Costs solely on the owner referred to in by-law 16.1 (**Respective Owner**) in accordance with section 100(1)(c)(ii) of the Act.
- 16.4 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.

Schedule 1 by-law 17 be added as follows

**17 Recovery Costs**

- 17.1 If a proprietor of a lot refuses or fails to pay to the Strata Company any amount due for levies 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.
- 17.2 **Costs** include, without limitation:
  - 17.2.1 the strata manager's costs;
  - 17.2.2 debt recovery costs;
  - 17.2.3 legal costs and disbursements on a solicitor and own client indemnity basis
  - 17.2.4 costs of any consultants and experts; and
  - 17.2.5 costs of any employees of and contractors to the strata company preparing for or being involved in the Legal Proceedings.

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



# Scheme By-laws – First Consolidation

*Strata Titles Act 1985*  
Part 4 Division 4

Scheme Number: 55

The Owners of<sup>1</sup> **Sorrento Terrace Strata Scheme 55** (strata company):

## **Part 1 – First Consolidation**

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

[Note that no resolution is required if the strata company is just reflecting the by-law changes set out in the legislation, classifying by-laws as governance or conduct, repealing invalid by-laws and then renumbering as required.]

## **Part 2 – Application to Amend**

In compliance with the *Strata Titles Act 1985* Section 56 and Schedule 5 clause 4 and the *Strata Titles (General) Regulations 2019* Regulation 180(1), applies to the Registrar of Titles to register an amendment to the strata titles scheme by amending the scheme by-laws and registering a consolidated set of scheme by-laws.

and certifies that:

By resolution without dissent, the voting period for which opened on 22/11/2022 and closed on 20/12/2022 (and which must be registered within 3 months from closing date) the  **additions/**  **amendments/**  **repeal**<sup>2</sup> to the Governance by-laws were made as detailed here.

Schedule 1 by-law 15 be added as follows

### **15 Financial Year**

The Financial Year for the Strata Company is the period of 12 months ending on 30 September.

Schedule 1 by-law 16 be added as follows

### **16 Insurance Excess**

16.1 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:

<sup>1</sup> 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.

<sup>2</sup> Select one.