

RECORDER OF TITLES

Folio





OFFICE of the RECORDER OF TITLES **TASMANIA**

Nomination of First By-Laws Section 90 Strata Titles Act 1998

Volume



Volume

DESCRIPTION OF LAND Folio of the Register

STR 168029

Folio

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To the Recorder of Titles:					,			
STRATA PLAN/SCHEME NO. 168029 8-10 DE WITT STREET, BATTELY POINT (name of scheme)								
Name and address of developer: SHEA HOLDINGS PTY LTD 8-10 DE WITT STREET, BATTERY POINT								
I/We the registered proprietor/s of the folio of the Register nominate the by-laws attached as the First By-Laws of the Strata Plan/Scheme lodged with this application.								
	EXECUTED BY SHEA HOLDINGS PTY LTD							
IN ACCORDANCE WITH SECTION 127								
Date: 25/6/2014 OF THE CORPORATIONS ACT 2001 BY								
Signed by the registered proprietor: Malago (Michael N SHEA) (My (Angelique Young)								
in the presence of:	•) Name:						
(witness)	signature)) Address:						
	,)						
		Occupation:		•••••				
Notes - * (set out the text of the first by-laws) * (set out the text of any exclusive use by-laws) * (set out the text of any exclusive use by-laws) * (set out the date that any of the by-laws are to take effect of the law of								
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Search Date: 12 Jun 2018

Search Time: 09:40 AM

Volume Number: 168029

Revision Number: 02

Page 1 of 17



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



STRATA CORPORATION NO 168029

8-10 DE WITT STREET - BY LAWS

1. Duty to keep lot in good order and repair

- (1) The owner of a lot must keep buildings and structural improvements on the lot in a state of good repair and to a standard in keeping with other buildings and structural improvements on the site.
- (2) The owner must carry out any work in relation to the owner's lot that the owner is required to carry out by -
 - (a) a public or local authority; or
 - (b) the body corporate.
- (3) The owner of a lot must not, without the written permission of the body corporate
 - (a) make or permit a change to the exterior character, design or finish of buildings or structural improvements on the lot; or
 - **(b)** construct any new building or make any structural improvements on the lot unless they conform to the exterior character, design and finish of any existing buildings or structural improvements on the site.

2. Development

(1) The owner of a lot will not object at any time to the development or improvement of any Common Area or Lot on the Strata Plan, provided that those improvements or developments have planning approval from the relevant government planning authority and comply with boundary and height restrictions of the local government planning authority and the strata plan.

3. Duty to prevent nuisance

The owner or occupier of a lot must not use the lot, or permit its use, in a way that causes a nuisance to the owner or occupier of any other lot.

4. Duty to allow access for maintenance and repair of common property

- (1) The body corporate is entitled to reasonable access to a lot for the purpose of maintaining, repairing or replacing the common property.
- (2) A person authorised by the body corporate may enter the lot for that purpose -
 - (a) after giving reasonable notice of intention to exercise the rights of access to the occupier of the lot; or
 - (b) in an emergency, without notice.

Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 2 of 17



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



5. Duty to pay rates and taxes

The owner of a lot must pay all rates, taxes and charges that may be payable in relation to the owner's lot.

6. Use of common property

- (1) The occupier of a lot must not behave in a way likely to interfere with the reasonable use and enjoyment of another lot or the common property by the owner or occupier of another lot or the invitees of the owner or occupier of another lot.
- (2) An owner or occupier of a lot must take reasonable steps to ensure that invitees do not behave in a way likely to interfere with the reasonable use and enjoyment of another lot or the common property by the owner or occupier of another lot or the invitees of the owner or occupier of another lot.
- (3) An owner or occupier of a Lot will not prevent access to the service area on the ground level of the front stair tower.
- (4) The owner of Lot 1 will have no access to or use of the common property, with the exception of the stair tower and service area on the ground level of the front stair area, which they may use used as a storage area, provided that it does not prevent access to the services installed in that area.
- (5) The owner of a Lot is permitted to install solar or wind switching and metering equipment in the service area on the ground level of the front stair tower.
- **(6)** The owner of a Lot must not permit any vegetation, solar or wind generation equipment, or hot water equipment to cause a loss of light or view of any other Lot or to exceed the boundaries of their respective Lots.

7. Body corporate's duties in relation to common property

The body corporate must -

- (a) administer, manage and control the common property reasonably and for the benefit of the owners and occupiers of the lots; and
- (b) maintain any vegetation on the common property to ensure that it does not cause any loss of light or view from any Lot; and
- (c) maintain the service infrastructure in good and serviceable order and condition.

8. Owners responsibility

- (1) The Owner of Lot 1 will be solely responsible for the maintenance and repair of the external walls and the roof of that Lot and shall not be required to contribute financially to the maintenance and repair of the external walls or roof of the remainder of the Strata.
- (2) The Owner of Lot 1 will be jointly responsible along with the remainder of the body corporate owners for the repair and maintenance of the front access and stainwell, but shall not be required to contribute financially to the repair and maintenance of the remainder of the common property.

Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 3 of 17



RECORDER OF TITLES





9. Duty to provide information

The owner of a lot must give the body corporate written notice of any change in the ownership of the lot.

10. Parking of motor vehicles

Where a space for vehicle parking has been allocated to a lot under $\underline{\text{section } 81(1)(\text{da})}$, only the owner or occupier of that lot or his or her invitee may park a vehicle in that space.

11. Quorum

A quorum at a meeting of the body corporate is a majority of the total number of the members of the body corporate.

12. Alteration of By- Laws

Any alteration to these By Laws must be by a majority of the members of the body corporate at a duly convened meeting of the body corporate.

Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029

Department of Primary Industries, Parks, Water and Environment

Revision Number: 02



RECORDER OF TITLES

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RECORDER OF TITLES TASMANIA

Application for registration of change of By-Laws





Section 92 Strata Titles Act 1998

DESCRIPTION OF LAND						
Folio of the Register						
Volume	Folio	Volume	Folio			
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TO THE RECORDER OF TITLES:

STRATA CORPORATION No 168029, 8-10 DE WITT STREET, BATTERY POINT

The Strata Corporation applies to register a change of by-laws.

The members of the Strata Corporation by unanimous resolution passed at a duly convened meeting of the body corporate held on 19 June 2017, directed the body corporate to change the by-laws for the scheme as follows-

1. RESCIND THE FIRST BY-LAWS

The common seal of Strata Corporation No. 168029 8-10 DE WITT STREET, BATTERY POINT was affixed in the presence of: (common seal) Steven John Last: **COMMON SEAL** STRATA CORPORATION No 168029 Executed by Battery Point Pty Ltd under section 127 of the Corporations Act 2001 by being signed by its sole director/secretary 8-10 DE WITT STREET **BATTERY POINT** Remaid Paul Havward: CLAIRE ELISABETH EAR REGISTERED Office Use Only 3 0 MAY 2018 RECORDER OF TITLES THE BACK OF THIS FORM MUST NOT BE USED

Search Date: 12 Jun 2018

Search Time: 09:40 AM

Volume Number: 168029

Revision Number: 02

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RECORDER OF TITLES





CHANGE OF BY-LAWS STRATA CORPORATION No 168029, 8-10 DE WITT STREET, BATTERY POINT

INDEX

PART 1 - PREAMBLE

- 1. Interpretation
- 2. Tenants & invitees

PART 2 - GENERAL BY-LAWS

- Duty to keep lot in good order and repair
- 2. Duty to prevent nuisance
- 3. Duty to allow access for maintenance and repair of common property
- 4. Duty to pay rates and taxes
- 5. Use of common property
- 6. Duty to provide information
- 7. Appearance of the lots
- 8. Signage
- 9. Insurance
- 10. Building security
- 11. Waste management
- 12. Use of lots
- 13. Keeping of animals

PART 3 - BODY CORPORATE

- 1. Functions and duties of the body corporate
- 2. Driveway, parking and turning areas
- 3 Membership of body corporate
- 4. General meetings of body corporate
- 5. Quorum
- 6. Voting at general meeting
- 7. Voting on unanimous resolution
- 8. Committee of management
- 9. Appointment of a manager
- 10. Administrative fund
- 11. Contributions
- 12. Interest on overdue contributions
- 13. Roll to be kept by body corporate
- 14. Common seal

PART 4 - SITE MAINTENANCE

PART 5 - DISPUTE RESOLUTION

PART 6 - HCC PLANNING PERMIT PLN-14-01446-01

PART 7 - CAR SPACE ALLOCATION PLAN

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Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 6 of 17



RECORDER OF TITLES

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PART 1 - PREAMBLE

Interpretation

(1) An expression defined in the Strata Titles Act 1998 has the same meaning when used in these by-laws.

2. Tenants & invitees

- (1) If a lot owner is prohibited from doing anything in these by-laws, the owner must also ensure that tenants and invitees do not do that thing.
- (2) A lot owner must give any tenant of the owner's lot a copy of these by-laws at the commencement of the tenancy and a copy of any change of by-laws made by the body corporate.
- (3) Where a lot is under lease, both the lot owner and the lot owner's tenant are jointly and severally responsible for by-law compliance.

PART 2 - GENERAL BY-LAWS

L. Duty to keep lot in good order and repair

- (1) A lot owner must keep the building and structural improvements on the lot in a state of good repair and to a standard in keeping with the other buildings and structural improvements on the site.
- (2) A lot owner must maintain and repair any services that exclusively serve the owners lot.
- (3) A lot owner must carry out any work in relation to the owner's lot that the owner is required to carry out by-
 - (a) a public or local authority; or
 - (b) the body corporate.
- (4) A lot owner must report any breakdown or failure of common property or service infrastructure to the body corporate.

2. Duty to prevent nuisance

(1) A lot owner must not use the lot, or permit its use in a way that causes a nuisance to the owner or occupier of any other lot.

3. Duty to allow access for maintenance and repair of common property

- (1) The body corporate is entitled to reasonable access to a lot for the purpose of maintaining, repairing or replacing the common property.
- (2) A person authorized by the body corporate may enter the lot for that purpose-
 - (a) after giving reasonable notice of intention to exercise the rights of access to the occupier of the lot; or
 - (b) in an emergency, without notice.

4. Duty to pay rates and taxes

(1) A lot owner must pay all rates, taxes and charges that may be payable in relation to the owner's lot.

5. Use of common property

- (1) A lot owner must not-
 - (a) store goods or items on the common property; or
 - (b) park a vehicle on the common property.
- (2) A lot owner must not behave in a way likely to interfere with the reasonable use and enjoyment of another lot or the common property by the owner or occupier of another lot or the invitees of the owner or occupier of another lot.
- (3) A lot owner must take reasonable steps to ensure that invitees do not behave in a way likely to interfere with the reasonable use and enjoyment of another lot or the common property by the owner or occupier of another lot or the invitees of the owner or occupier of another lot.
- (4) A lot owner is permitted to install solar or wind switching and metering equipment in the common property service area on the ground level of the front stair tower.
- (5) The owner of lot 1 and any lot subsequently developed from lot 1 is entitled to use the common property stair tower in the apartment building for access purposes.



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3



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Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 7 of 17



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Duty to provide information

- (1) A lot owner must give the body corporate written notice of any change in the ownership of the lot.
- (2) A lot owner who intends to be absent from their normal contact address must keep the body corporate advised of their mailing address or contact details whilst they are away.

Appearance of lots

- (1) A lot owner must not, without the written permission of the body corporate-
 - (a) make or permit a change to the exterior character, design or colour finish of buildings or structural improvements on the lot; or
 - (b) construct or make structural improvements on the lot unless they conform to the exterior character, design and finish of the existing buildings or structural improvements on the site.

8. Signage

(1) A lot owner must not, without the written permission of the body corporate, erect or place a sign on the lot.

Insurance

- (1) A policy of insurance must be taken out by the body corporate in accordance with the Act in respect to the building, on-site improvements and public risk.
- (2) A lot owner must pay the body corporate a contribution being either-
 - (a) proportionate to the unit entitlements of the various lots; or
 - (b) the amount shown on the policy where the premium shows the amount applicable to each lot.
- (3) A lot owner must not commit any act, or do any thing, that may result in the policy of insurance in relation to the lot becoming void or which may increase the premium payable in respect to that insurance.
- (4) A lot owner must pay any increased premium occasioned by a particular use of the owner's lot.

10. Building security

- (1) A lot owner must-
 - (a) secure the owners lot at all times; and
 - (b) comply with any reasonable directions given by the body corporate in relation to the security of the building and the common property.

11. Waste management

- (1) A lot owner must comply with any reasonable directions given by the body corporate in respect to waste and recycling bins.
- (2) A lot owner must-
 - (a) store all garbage in the bins provided for that purpose; and
 - (b) regularly place the bins out for collection; and
 - (c) retrieve the empty bins in a timely manner; and
 - (d) keep the bins in a clean, dry and hygienic condition.

12. Use of lots

- (1) A lot owner, or the body corporate, must not make application to change the use of a lot without the written permission of the affected lot owner.
- (2) The owners of lots 2-9 must not without the written permission of the body corporate let a lot for rental purposes for a period of less than 30 days and such permission must not be unreasonably withheld.
- (3) A lot owner must not use the lot in a way which may be illegal or injurious to the reputation of other lot owners.

13. Keeping of animals

- (1) Subject to subclause (3), the occupier of a lot must not, without the written permission of the body corporate—
 - (a) bring an animal onto, or keep an animal on, the lot or the common property; or
 - (b) permit an invitee to bring an animal onto, or keep an animal on, the lot or the common property.
- (2) The body corporate may revoke such entitlement following 2 written warnings previously being given that the animal is aggressive, noisy, uncontrollable or has become a general nuisance.

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4





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Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 8 of 17



RECORDER OF TITLES





(3) If a person reasonably requires the assistance of a guide-dog by reason of impairment of sight or hearing, the person is entitled to be accompanied by a guide-dog while on a lot or the common property and, if the person is the owner or occupier of a lot, is entitled to keep a guide-dog on the lot.

PART 3 - BODY CORPORATE

1. Functions and duties of the body corporate

- (1) The body corporate must-
 - (a) enforce the by-laws; and
 - (b) administer, manage and improve the common property reasonably and for the benefit of the owners and occupiers of the lots; and
 - (c) maintain the service infrastructure in good and serviceable order and condition; and
 - (d) take out and maintain a policy of insurance as required under the Act and any further insurance that may be required by resolution of the lot owners.

2. Driveway, parking and turning areas

- (1) The body corporate will maintain a car space allocation plan under section 81(1)(da) and cars may only be parked on the site in a car space allocated by the body corporate see Page 10 herein.
- (2) The body corporate must not cancel or re-allocate a car space without the prior written consent of the affected lot owner.
- (3) A lot owner must not cage, roof or otherwise enclose the car space.
- (4) The body corporate may take such action it considers necessary to maintain the driveway, parking and turning areas as a safe environment which may include-
 - (a) requiring a lot owner to remove any obstruction
 - (b) cautioning a lot owner regarding an unlawfully or dangerously parked vehicle; or
 - (c) moving or towing away an unlawfully or dangerously parked vehicle.
- (5) The body corporate may recover all costs from a lot owner in respect to obtaining common property by-law compliance.

3 Membership of body corporate

- (1) Each lot owner is a member of the body corporate and entitled to vote personally or by proxy at general meetings of the members of the body corporate.
- (2) If a mortgagee is in possession of a lot under the mortgage, the mortgagee becomes entitled to exercise any voting rights the owner may have, to the exclusion of the rights of the owner.

4. General meetings of body corporate

- (1) The body corporate must appoint a chairperson, secretary and treasurer.
- (2) An annual general meeting of the body corporate must be held within 15 months after the last annual general meeting of the body corporate.
- (3) The secretary to the body corporate may call a special general meeting of the body corporate at any time and must do so if required by three members of the body corporate.
- (4) The secretary to the body corporate must, at least 7 days before a general meeting of the body corporate, give to each member of the body corporate written notice—
 - (a) setting out the date, time and place of the general meeting; and
 - (b) stating the nature of the business to be transacted; and
 - (c) if a unanimous resolution or special resolution is to be put before the general meeting, setting out the terms of the proposed resolution.
- (5) In a case where a lot is owned jointly or in common by 2 or more persons, the notice may be addressed to the co-owners jointly and given or sent to any one of them.
- (6) The body corporate may conduct business in person, by post or by electronic transmission.



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5

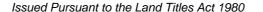


THE BACK OF THIS FORM MUST NOT BE USED

Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 9 of 17



RECORDER OF TITLES





Quorum

- (1) A quorum at a meeting of the body corporate is a majority of the total number of the members of the body corporate.
- (2) If a quorum is not present at a meeting of the body corporate, any decision made at that meeting is of no effect for a period of 14 days after the circulation of the minutes.
- (3) After that period, the decision has effect unless objections to it have been made within that period by such number of members as would have defeated the decision at the meeting.

Voting at general meeting

- (1) A member of the body corporate may vote personally or by proxy on matters arising for decision at a general meeting.
- (2) Voting may be by show of hands but, if a poll is demanded, voting is proportionate to the unit entitlement of the member's lot.
- (3) Co-owners may vote by proxy jointly appointed by them and, in the absence of such a proxy, are not entitled to vote on a show of hands (except on a motion for a unanimous resolution) but any one co-owner may require a poll and on the poll a co-owner is entitled to voting rights proportionate to the co-owner's interest in the lot.

Voting on unanimous resolution

- (1) If a unanimous resolution is required for a particular purpose under this Act, a member of the body corporate may vote on the resolution-
 - (a) at the general meeting of the body corporate at which the resolution is proposed; or
 - (b) by giving the body corporate written notice of the member's vote within 28 days after the date of that meeting.

- 8. Committee of management
 (1) The body corporate may, by ordinary resolution—
 - (a) appoint a committee of management to transact business on behalf of the body corporate; or
 - (b) change the membership of a committee of management; or
 - (c) overrule a decision of the committee of management (to the extent it has not been acted on); or
 - (d) remove a committee of management from office.
- (2) A committee of management may, subject to limitations and directions imposed or given by the body corporate in general meeting, exercise any powers of the body corporate except powers that may only be exercised by unanimous or special resolution of the body corporate.
- (3) A committee of management must consist of at least 3 members.
- (4) Subject to any rules to the contrary determined by the body corporate in general meeting-
 - (a) a majority of the total number of the members of the committee of management constitutes a quorum of the committee; and
 - (b) a decision in which a majority of the members present at a meeting of the committee agree is a decision of the
- (5) Any rules determined by the body corporate must be fair and reasonable.
- (6) The committee must keep proper minutes of its proceedings and must make them available on request for inspection by any member of the body corporate.

Appointment of a manager

- (1) The body corporate may appoint a manager and delegate to the manager functions related to the administration, management and control of the common property.
- (2) A manager is subject to control and direction by the body corporate acting in general meeting or through a committee of management.

Administrative fund

- (1) The body corporate must maintain a fund for the purpose of meeting its financial obligations under the Act.
- (2) All income must be paid into the fund and all expenditure must be made from the fund.

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Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 10 of 17 Search Date: 12 Jun 2018



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



- (3) If the body corporate thinks fit, the fund may be subdivided into separate parts, one related to recurrent expenditure and the other related to capital expenditure. Funds in the capital expenditure (sinking fund) are non-refundable to lot owners and must be applied to the purpose so levied.
- (4) The fund must be maintained at a level sufficient to meet reasonably foreseeable expenditure to be incurred by the body
- (5) In this sub-section "recurrent expenditure" may include but is not limited to-
 - (a) insurance; and
 - (b) administration and body corporate management; and
 - (c) common property landscaping, cleaning, rubbish removal & security; and
 - (d) common property water, lighting & energy costs; and
 - (e) minor common property repairs and preventative maintenance; and
 - (f) common property parking bay maintenance.
- (6) In this sub-section "capital expenditure" may include but is not limited to-
 - (a) external maintenance of the apartment building; and (b) major driveway and car park maintenance; and

 - (c) replacement of perimeter fencing; and
 - (d) replacement of major component service infrastructure.

- (1) The body corporate may from time to time levy contributions in respect of the lots for the purposes of raising an amount that the body corporate decides to be necessary to meet anticipated expenditure or for any other purpose as agreed by an ordinary resolution.
- (2) The contributions are to be proportionate to the unit entitlements of the various lots.
- (3) A contribution falls due for payment on a date fixed by the body corporate and notified by written notice of the amount due given by the body corporate to the owners.
- (4) The owner of the lot as at the due date for payment is liable for the contribution and any person who later becomes an owner before the contribution is paid becomes jointly and severally liable for payment.
- (5) If a contribution for which an owner or other person is liable under clause (4) is not paid, the owner or other person is taken to have failed to comply with a requirement of this Act while the contribution remains unpaid.
- (6) The body corporate must, on application by an owner or a person having an interest in a lot, certify-
 - (a) the amount of any contribution payable by the owner; and
 - (b) the due date for payment of the contribution; and
 - (c) any amount by way of unpaid contribution that remains outstanding; and
 - (d) the amount of any other liability to the body corporate that remains outstanding from the owner; and
 - (e) information in relation to any funds of the body corporate administered by it; and
 - (f) information on any legal action to which the body corporate is a party; and
 - (g) details of any contributions levied in the previous 12 months; and
 - (h) any other relevant matters.
- (7) A certificate under clause (6) is, in favour of a person dealing with the owner, conclusive evidence of the matters certified.
- (8) All body corporate costs associated with recovering an unpaid contribution must be paid by the lot owner against whom the recovery is being made.

Interest on overdue contributions

- (1) Interest accrues on overdue contributions at a rate fixed by resolution of the body corporate.
- (2) The rate of interest must be fixed on a fair and reasonable basis.

Roll to be kept by body corporate

- (1) The body corporate must maintain a roll containing the following particulars-
 - (a) the name and contact details of the owner of each lot; and

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Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 11 of 17 Search Date: 12 Jun 2018



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



- (b) the name and contact details of any agent employed by the body corporate to carry out any of its functions in relation to the scheme; and
- (c) the name and contact details of any lessee of a lot notified to the body corporate.

14. Common seal

- (1) The body corporate common seal must include the name of the body corporate.
- (2) The common seal must only be used-
 - (a) if there is a management committee, in accordance with any resolution of that committee and in the presence of two committee members who are authorized to witness the use of the seal; and
 - (b) if there is no management committee, by authority of the body corporate previously given and in the presence of two owners who are authorized to use the seal.

PART 4 - SITE MAINTENANCE

- (1) The owner of lot 1 shall be solely responsible for the maintenance of the building on the lot.
- (2) The owners of lots 2-7 & 9 shall be jointly responsible for the maintenance of their apartment building using the special unit entitlements in the plan.
- (3) The owner of lot 8 shall be solely responsible for the maintenance of the building on the lot.
- (4) The owners of lots 5, 7 & 8 shall be jointly responsible for the maintenance of the rear car park area using the special unit entitlements in the plan.
- (5) The owners of lots 2-9 shall be responsible using an exclusive use by-law for the maintenance of the common property front garden, driveway and rear building entrances.

PART 5 - DISPUTE RESOLUTION

- (1) If a dispute arises within the scheme it must be referred to the body corporate who with the parties must make all reasonable endeavours to settle the matter in dispute within 14 days.
- (2) Any notice, demand or other communication between the parties must be made in writing and be served by hand delivery, post or electronic transmission to the recipients.
- (3) Should the parties fail to resolve the dispute-
 - (a) a matter relating to the provisions of the strata title legislation must be referred to the Recorder of Titles for relief in accordance with Part 9 of the Act; or
 - (b) any other matter must be referred to mediation or arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*
- (4) This part binds the body corporate, a lot owner and a lot occupier.

PART 6 - HCC PLANNING PERMIT PLN-14-01446-01

- (1) Hobart City Council granted the above planning permit on 23 February 2015 for the partial demolition, alterations and reroofing above the lots 5 & 7 attic roof space on the plan.
- (2) The alterations enable the owners of lots 5 & 7 to raise the roof line apex by 0.5 metres and install a minimum roof pitch over the attic roof space of the lots to head height.
- (3) The owners of lots 5 & 7-
 - (a) are entitled to develop the lots in accordance with the above permit and nothing in these by-laws limits that right; and
 - (b) shall be responsible for all costs associated with the development and the amendment to the plan; and
 - (c) will indemnify the body corporate and other lot owners against any loss, damage or injury that may be caused as part of the development of the lots.

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8



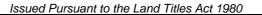


THE BACK OF THIS FORM MUST NOT BE USED

Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 12 of 17



RECORDER OF TITLES





(4) The body corporate shall do all things and sign all documents required by the owners of lots 5 & 7 to give effect to an amendment of the plan, where the proposed adjustment of common property boundaries shall be transferred for \$1.00 consideration.

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18°

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Search Date: 12 Jun 2018

Search Time: 09:40 AM

Volume Number: 168029

Revision Number: 02

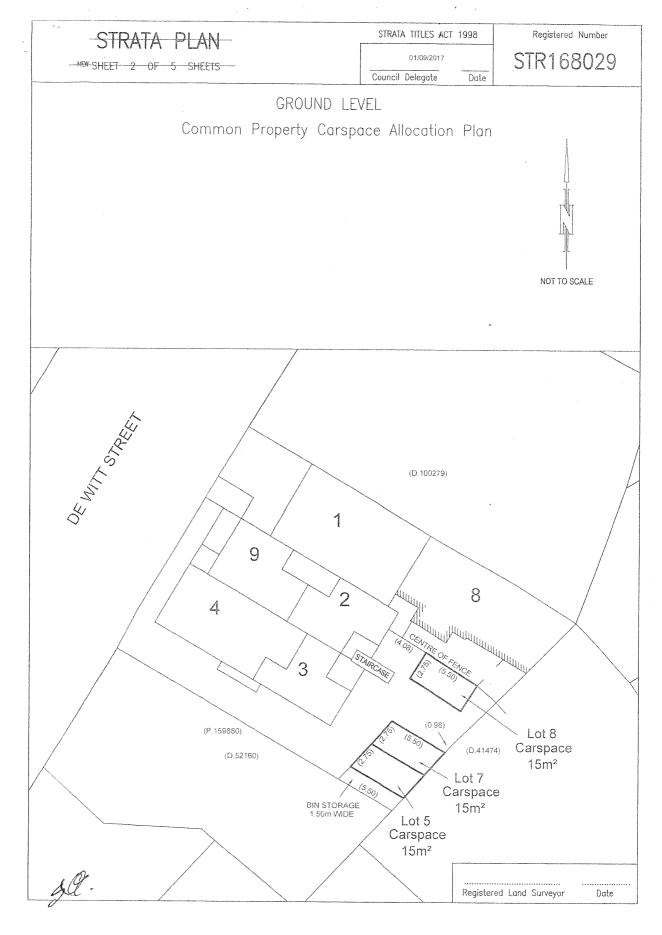
Page 13 of 17



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





Search Date: 12 Jun 2018

Search Time: 09:40 AM

Volume Number: 168029

Revision Number: 02

Page 14 of 17



RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



RECORDER OF TITLES TASMANIA

Application for registration of Exclusive Use By-Laws





Section 92 & 94 Strata Titles Act 1998

DESCRIPTION OF LAND						
Folio of the Register						
Volume	Folio	Volume	Folio			
168029	0					

PAGE 1 OF 3 PAGES

To the Recorder of Titles:

STRATA CORPORATION No. 168029, 8-10 DE WITT STREET, BATTERY POINT

The Strata Corporation applies to register exclusive use by-laws

The members of the Strata Corporation by unanimous resolution passed at a duly convened meeting of the body corporate held on 19 June 2017 directed the body corporate to make exclusive use by-laws for the scheme as follows –

- 1. This exclusive use by-law is to have permanent effect
- 2. The owners of lots 2-9 are to have joint and exclusive use of the common property front garden, driveway and rear building entrances as shown stippled on the plan on Page 2 herein
- 3. The rights conferred also include a responsibility-
 - (a) to maintain the front garden in good order and repair; and
 - (b) to maintain the driveway and rear building entrances in good order and repair; and
 - (c) to ensure the areas are maintained in a safe condition free from any obstructions

Date: 1/5/18

Land Titles Office Use Only

EBL Version 1

REGISTERED

3 0 MAY 2018

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Search Date: 12 Jun 2018 Search Time: 09:40 AM Volume Number: 168029 Revision Number: 02 Page 15 of 17



RECORDER OF TITLES





Page 2 of 3 Pages Vol. 168029 Fol. 0

The common seal of Strata Corporation No. 168029

8-10 DE WITT STREET, BATTERY POINT

was affixed in the presence of:

Steven John Last:

(common seal)

COMMON SEAL

STRATA CORPORATION No 168029

8-10 DE WITT STREET **BATTERY POINT**

Executed by Battery Point Pty Ltd under section 127 of the Corporations

Act 2001 by being signed by its sole director/secretary-

Ronald Paul Hayward: C. E. J.

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Volume Number: 168029

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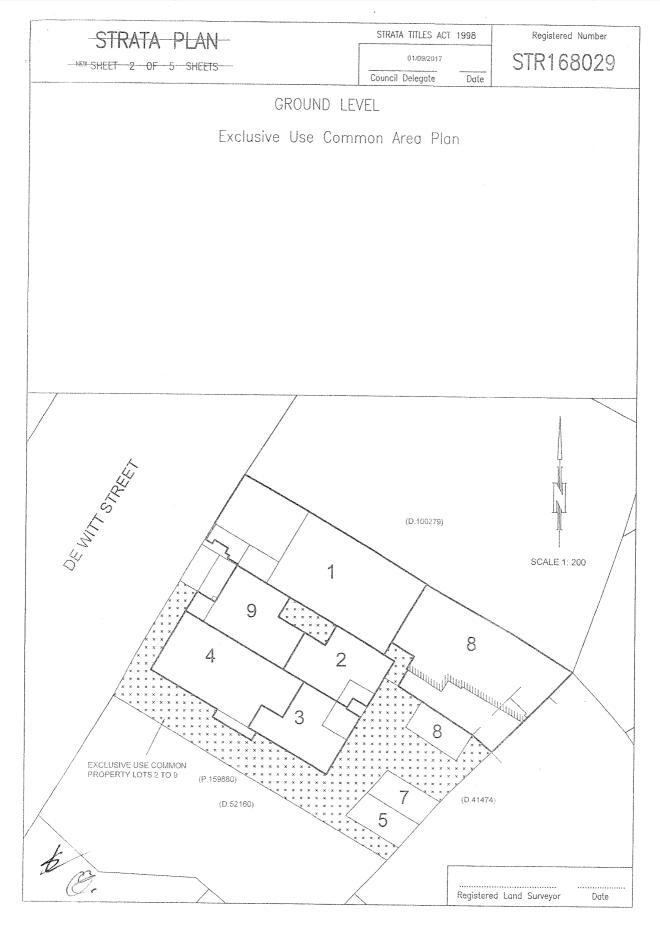
Page 16 of 17



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Search Date: 12 Jun 2018

Search Time: 09:40 AM

Volume Number: 168029

Revision Number: 02

Page 17 of 17