

WESTERN



AUSTRALIA

TITLE NUMBER

Volume

1859

Folio

147

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893 AND THE
STRATA TITLES ACT OF 1985

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BG Roberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 6 ON STRATA PLAN 18420

TOGETHER WITH A SHARE IN COMMON PROPERTY (IF ANY) AS SET OUT ON THE STRATA PLAN

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

ELAINE LAUREL PERRY OF UNIT 6/72 LEONARD STREET, VICTORIA PARK

(T E233596) REGISTERED 14/11/1989

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. INTERESTS NOTIFIED ON THE STRATA PLAN AND ANY AMENDMENTS TO LOTS OR COMMON PROPERTY NOTIFIED THEREON BY VIRTUE OF THE PROVISIONS OF THE STRATA TITLES ACT OF 1985 AS AMENDED.
2. L383167 MORTGAGE TO PERPETUAL TRUSTEE COMPANY LTD REGISTERED 26/7/2010.
3. P916893 CAVEAT BY PUBLIC TRUSTEE LODGED 13/3/2024.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: SP18420
PREVIOUS TITLE: SP18420
PROPERTY STREET ADDRESS: UNIT 6 72 LEONARD ST, VICTORIA PARK.
LOCAL GOVERNMENT AUTHORITY: TOWN OF VICTORIA PARK



PLAN OF LOT 8 OF SWAN LOC 36 ON DIAGRAM 74589

CERTIFICATE OF TITLE Volume 1817 Folio 876

LOCAL AUTHORITY CITY OF PERTH

LOCALITY VICTORIA PARK INDEX PLAN PERTH 1000 29.43

NAME OF BUILDING 72 LEONARD STREET VICTORIA PARK

NAME OF BODY CORPORATE

(IF STRATA PLAN OF SUBDIVISION
OR CONSOLIDATION)

ADDRESS FOR SERVING OF 9 BOWMAN ST.

NOTICES ON COMPANY SOUTH PERTH W.A. 6151

PURPOSE ..

LODGED 31.10.89 4788

EXAMINED 10.11.89

REGISTERED 14.11.89 E233657

*J. Mulesky*

REGISTRAR OF TITLES

HELD BY LANDGATE
IN DIGITAL FORM ONLY.

FOR LOCATION PLAN SEE ANNEXURE A.

PASCOTT SURVEY CO.
350 FITZGERALD STREET
NORTH PERTH W.A. 6006
480 5539 FAX 328 9096

Scale

SCHEDULE OF UNIT ENTITLEMENT		OFFICE USE ONLY	
		CURRENT Cs. of TITLE	
LOT No.	UNIT ENTITLEMENT	VOL.	FOL.
1	12	1859-142	
2	13	1859-143	
3	13	1859-144	
4	12	1859-145	
5	13	1859-146	
6	12	1859-147	
7	13	1859-148	
8	13	1859-149	
AGGREGATE	101		

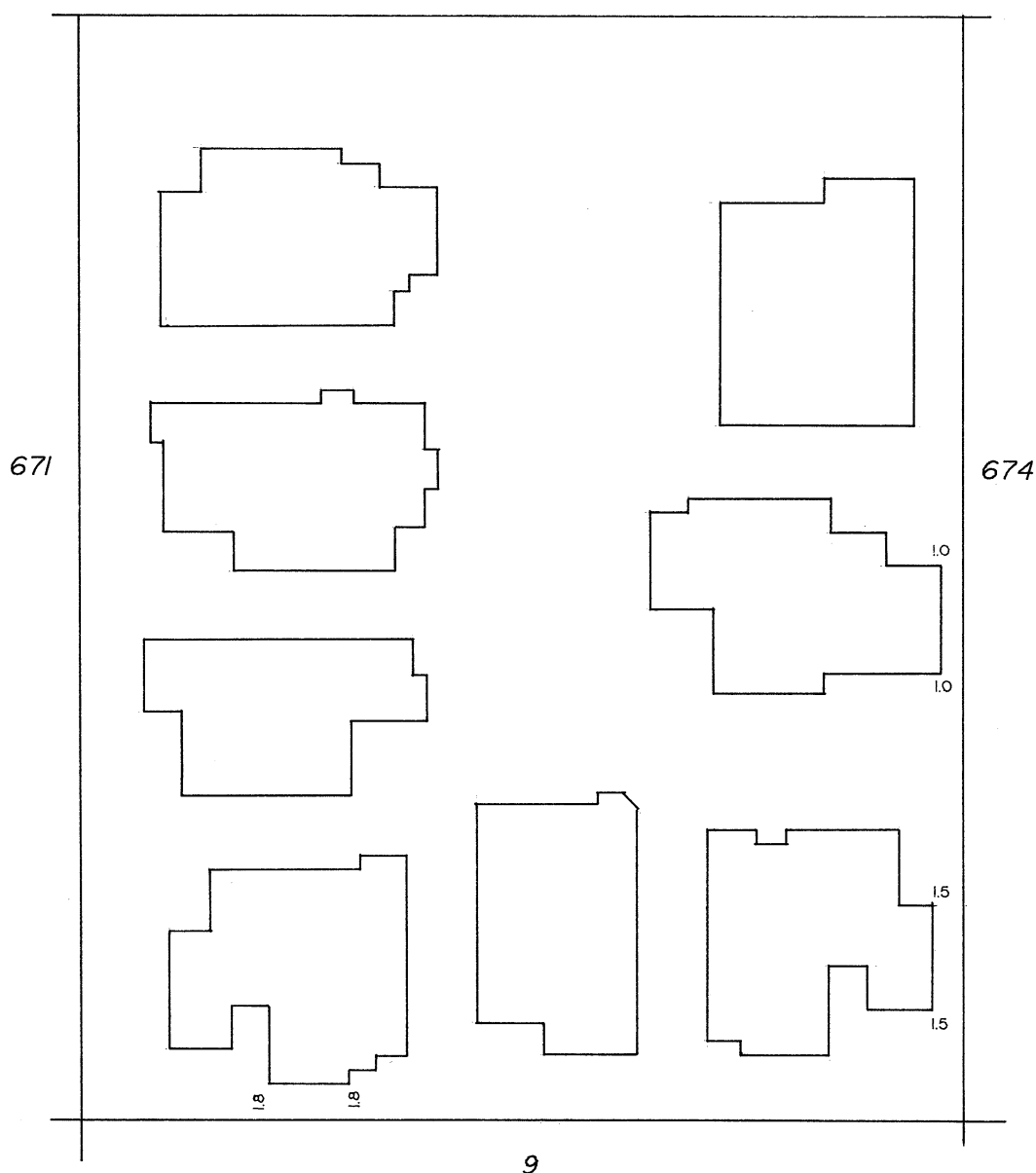
CERTIFICATE OF LICENSED VALUER

I, **GARY DELAMARE** being a Licensed Valuer licensed under the Land Valuers Licensing Act 1978 do hereby certify that the unit entitlement of each Lot, as stated in the schedule bears in relation to the aggregate unit entitlement of all Lots delineated on the strata plan a proportion not greater than 5 per cent more or 5 per cent less than the proportion that the capital value of that Lot bears to the aggregate capital value of all the Lots delineated on the plan.

10/11/89
Date
Signed

LEONARD

STREET



STRATA PLAN No. 18420

DESCRIPTION OF PARCEL AND BUILDING

A BRICK&TILE RESIDENTIAL COMPLEX OF 8 UNITS
BEING LOT 8 OF SWAN LOC-36 ON DIAGRAM 74589
SITUATED AT 72 LEONARD ST. VICTORIA PARK

CERTIFICATE OF SURVEYOR

I, GEORGE PASCOTT, being a licensed surveyor registered under the Licensed Surveyors Act 1909, as amended, hereby certify that:—

- (a) each lot that is not wholly within a building shown on the plan is within the external surface boundaries of the parcel; and either
- (b) each building referred to above is within the external surface boundaries of the parcel; or
- (c) ~~in a case where a part of a wall or building, or material attached thereto, encroaches beyond the external surface boundaries of the parcel—~~
 - (i) all lots shown on the plan are within the external surface boundaries of the parcel;
 - (ii) the plan clearly indicates the existence of the encroachment and its nature and extent; and
 - (iii) where the encroachment is not on to a public road, street or way, that an appropriate easement has been granted and registered as an appurtenance of the parcel.

23-8-89

Date

G. Pascott
Licensed Surveyor

CERTIFICATE OF LOCAL AUTHORITY

CITY OF PERTH, the local authority hereby certifies that—

- (1) (a) the building and the parcel referred to above has been inspected and that it is consistent with the building plans and specifications in respect of the building thereof that have been approved by the local authority; ~~or~~
- w* (b) ~~the building has been inspected and the modification is consistent with the approved building plans and specifications relating to the modification;~~
- (2) the building, in the opinion of the local authority, is of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act 1985;
- w* (3) ~~where a part of a wall or building or material attached thereto encroaches beyond the external surface boundaries of the parcel on to a public road, street or way the Local authority is of the opinion that retention of the encroachment in its existing state will not endanger public safety or unreasonably interfere with the amenity of the neighbourhood and the local authority does not object to the encroachment;~~
- (4) * (a) any conditions imposed by the State Planning Commission have been complied with;
- w* (b) ~~the within strata scheme is exempt from the requirement of approval by the State Planning Commission.~~

25.10.1989

Date

*Delete whichever is inapplicable

John Hasey
Town/Shire Clerk
Section 23(5)
Strata Titles Act 1985

STRATA PLAN No. 18420

STRATA TITLES ACT 1985

CERTIFICATE OF APPROVAL BY STATE PLANNING COMMISSION
TO A STRATA PLAN

It is hereby certified that the approval of the State Planning Commission has been granted pursuant to the provisions of abovementioned Act to:

* (i) the Strata Plan submitted on 23-8-89
..... and relating to the property described below;

(ii) ~~to the sketch submitted on~~
~~of the proposed subdivision of the property described below into lots on a Strata~~
~~Plan subject to the following conditions:—~~

Property Description:

Whole/Part Lot(s) 8
Location(s) SWAN 36
Town CITY OF PERTH
Local Authority District VICTORIA PARK
Property Owner J.P.L. KONG



For Chairman,
STATE PLANNING COMMISSION

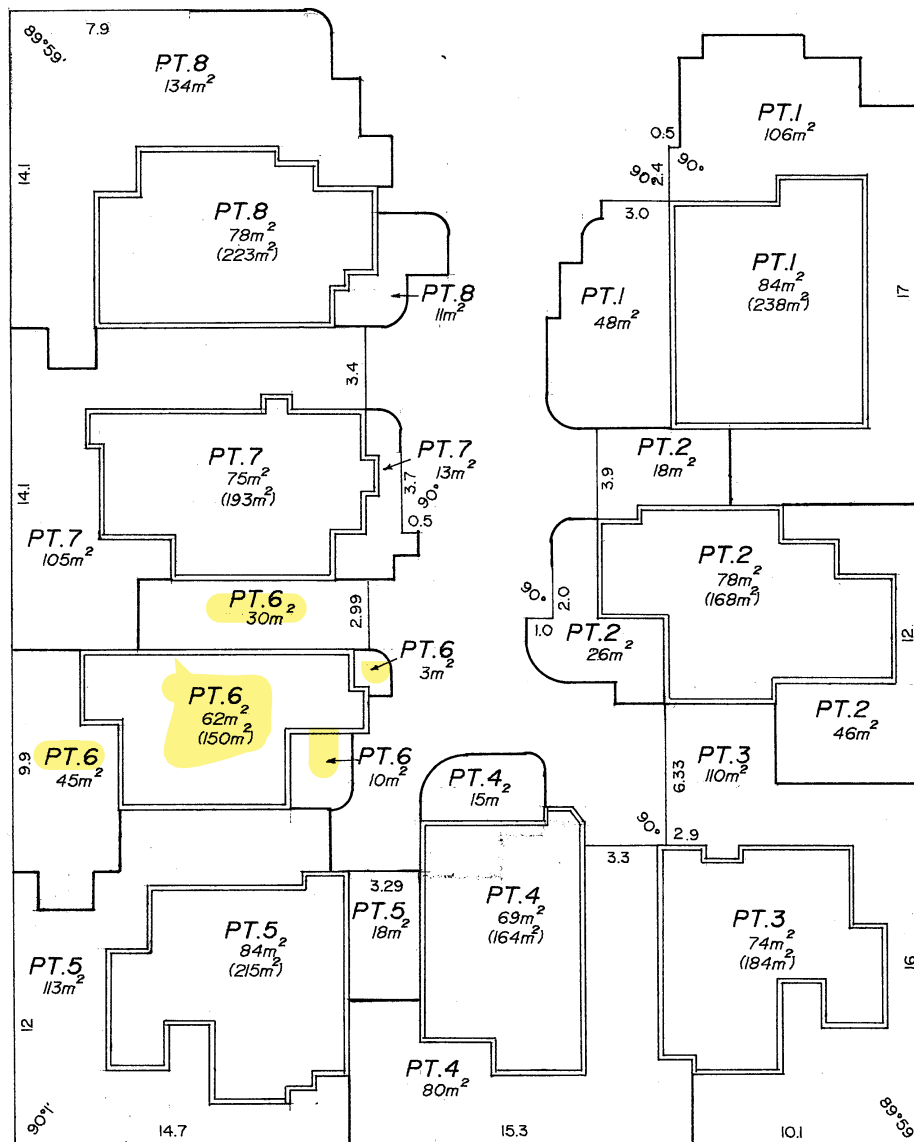
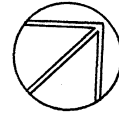
Date - 5 SEP 1989

(*To be deleted as appropriate)

STRATA PLAN No.

18420

GROUND FLOOR



STRATUM OF ALL PT. LOTS OUTSIDE THE BUILDINGS EXTEND 3 METRES BELOW AND 5 METRES ABOVE THE UPPER SURFACE OF THEIR RESPECTIVE FLOOR, EXCEPT WHERE COVERED.

Scale 1 : 250

41445/6/85-1M-S/7658

[illegible]

[illegible]

Strata Plan 18420

Lot	Certificate of Title	Lot Status	Part Lot
1	1859/142	Registered	
2	1859/143	Registered	
3	1859/144	Registered	
4	1859/145	Registered	
5	1859/146	Registered	
6	1859/147	Registered	
7	1859/148	Registered	
8	1859/149	Registered	

INSTRUCTIONS

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated..

L895539 AE

29 Mar 2012 08:00:00 Midland



REG \$ 160.00

LODGED BY Exclusive Strata Management Service

ADDRESS P O Box 779
Victoria Park WA 6979



PHONE No. (08) 9362 1166

FAX No. (08) 9362 1133

REFERENCE No.

ISSUING BOX No.

999L

PREPARED BY Exclusive Strata Management Service

ADDRESS PO Box 779
Victoria Park WA 6979

PHONE No. (08) 9362 1166
FAX No. (08) 9362 1133

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER
THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. Letter
2. _____
3. _____
4. _____
5. _____
6. _____

Received Items

Nos. 1

Receiving
Clerk LS

Registered pursuant to the provisions of the TRANSFER OF LAND
ACT 1893 as amended on the day and time shown above and
particulars entered in the Register.

EXAMINED

OFFICE USE ONLY



FORM 16
NOTICE OF CHANGE OF ADDRESS FOR SERVICE OF
NOTICES

Strata Titles Act 1985

Section 40

The Owners of 72 Leonard Street, Victoria Park Strata Plan
No 18420 hereby gives notice that the address for service of
notices on the Company has now been changed to —

Exclusive Strata Management
PO Box 779
VICTORIA PARK WA 6979

The Common Seal of the Owners of 72 Leonard Street,
Victoria Park Strata Plan No 18420 was here unto affixed on
..4/10/11... in the presence of —



.....
Members of the Council

.....
LUCIO FERRARA
Print Name

.....
Members of the Council

.....
Nathan Sharratt
Print Name



Document number P916893
Lodgement date 13/03/2024 15:41:00

Caveat

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Jurisdiction

Western Australia

Legislation

Transfer of Land Act 1893

Strata Titles Act 1985

Document details

Document type	Caveat	ELN lodgement case id	1042104003
ELN id	PEXA	ELN document id	2394317855
ELN workspace id	11342094	ELN counterpart id/s	2394317855-948335151

Responsible subscriber and contact details

Name	PUBLIC TRUSTEE	Contact fax	
Customer code	EFA21110	Contact phone	08 9222 6774
Contact name	Lauren Penders	Contact email	PTOutsideClerk@justice.wa.gov.au
Contact address	553 HAY STREET PERTH WA 6000	Client reference	PM33078289 TM92 PERRY 1859/147

Lodgement fees

Fee description	Net	Gst	Fees
ELNO - Caveat	\$203.00	\$0.00	\$203.00
		Total	\$203.00

Land

Title(volume-folio)	Extent	Land description	Estate and/or interest
1859-147	Whole	6/SP18420	FEE SIMPLE

Caveator(s)

PUBLIC TRUSTEE (ABN 30664810803)

Estate and interest being claimed

The Caveator lodges this Caveat to prevent improper dealings

Grounds of claim

Claim statement The Caveator is the Plenary Administrator of the Estate of the Registered Proprietor pursuant to an Order of the State Administrative Tribunal dated 11 March 2024

Parties ELAINE LAUREL PERRY
PUBLIC TRUSTEE (ABN 30664810803)

Date

Interest date

Term

Interest document

Court State Administrative Tribunal

Action number GAA 592/2024

Section/s

Extent of prohibition

Absolute

Service of notice to the caveator/s

Contact name Law Clerk

Email PTOOutsideClerk@justice.wa.gov.au

Registered proprietor(s)

ELAINE LAUREL PERRY OF 553 HAY STREET PERTH WA 6000

Attachments

Statutory Declaration

State Administrative Tribunal Order

Operative clause

The caveator claims the Estate or Interest specified in the Land on the Grounds set out herein and forbids the registration of any Instrument affecting the Estate and Interest to the Extent of Prohibition as specified.

Subscriber Certification and Execution on behalf of the Caveator(s)

PUBLIC TRUSTEE (ABN 30664810803) makes the following certifications:

1. The Certifier has retained the evidence supporting this Registry Instrument or Document.
2. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Digitally signed by BREANNA DIMOVSKI on behalf of PUBLIC TRUSTEE (ABN 30664810803) on 13 March 2024



FORM B3

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

**STATUTORY DECLARATION**

I, **BREANNA DIMOVSKI** of Public Trust Office Perth Western Australia, Acting Law Clerk

Sincerely declare as follows:

1. I have been authorised to make this declaration under a power of delegation by the Public Trustee in accordance with Section 5 of the Public Trustee Act 1941.
2. By an Order of the State Administrative Tribunal made on 11 March 2024 the PUBLIC TRUSTEE was appointed Plenary Administrator of the estate of ELAINE LAUREL PERRY ("Represented Person"), with all the powers and duties conferred by the Guardianship and Administration Act 1990. The Order has not at the date hereof been revoked or varied and remains in full force and effect and the incapacity still continues as at the date hereof.
3. The Represented Person is the registered proprietor of the whole of the land in Certificate of Title Volume 1859 Folio 147 in which Certificate of Title she is named and described as "ELAINE LAUREL PERRY of Unit 6/72 Leonard Street, Victoria Park".
4. The Represented Person is alive and is identical with the person named and described in the Certificate of Title Volume 1859 Folio 147.
5. The title to the estate or interest claimed arises by virtue of Sections 71(2) and 77(1) of the Guardianship and Administration Act 1990, and this Caveat is lodged to prevent any improper dealing in respect of the land by either the registered proprietor or any other person. By virtue of Section 77(1), and subject to Sections 77(3) and (4), the Represented Person is:
 - (a) incapable of entering into any contract or making any disposition in respect of her estate or any part thereof or interest therein; or
 - (b) subject to Part 9, appointing or conferring any power on an agent or attorney in respect thereof,
 except to the extent that the Public Trustee, with the consent of the State Administrative Tribunal, in writing authorises the Represented Person to do so.
6. By virtue of Section 71(2) the Public Trustee as administrator may perform any function that the Represented Person could perform herself if she were of full legal capacity.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at PERTH

on 13 day of March 2024 by –

Signature of person making the declaration

B Dimovski

In the presence of –

Signature of authorised witness

Lauren Beth Penders

LAUREN BETH PENDERS

Public Trustee Office, 553 Hay Street Perth, Public Servant



11 April 2024

ELAINE LAUREL PERRY
UNIT 6 72 LEONARD STREET
VICTORIA PARK, WA 6100

Dear Sir/Madam

I advise that a caveat has been lodged against the Certificate of Title for your land. Your land ownership details are described in the schedule overleaf.

Some details of the Caveat including a copy of part of the "Estate or interest claimed" section are shown in the schedule overleaf.

A caveat is a statutory notice lodged against the Certificate of Title for the land evidencing a claim to an interest in that land. The claim is made by a person who is not the registered owner of the land. The person claiming the interest in the land is known as the caveator.

The existence of a caveat on the title does not allow the caveator to deal with the land, however the caveat may prevent the registration of any change to the title for the land until notice of that change has been given to the caveator.

The caveat will remain on the title until it is withdrawn by the caveator or action is taken for its removal.

A copy of the caveat may be obtained (on payment of the prescribed fee) at www.landgate.wa.gov.au. If you wish to seek further information regarding the caveat, Landgate may be contacted on +61 (0)8 9273 7373 or by email to customerservice@landgate.wa.gov.au. Please be aware that legal advice cannot be provided. Customers requiring any legal advice must seek their own independent legal advice.

Finally, please note that, due to the numbers of caveats lodged daily at the Western Australian Land Information Authority (Landgate), the Registrar of Titles is personally not able to assist you with caveat enquiries.

Sincerely,

BRUCE ROBERTS
REGISTRAR OF TITLES

Western Australian Land Information Authority ABN 86 574 793 858
1 Midland Square, Midland, Western Australia 6056
Postal Address: PO Box 2222, Midland, Western Australia 6936
Telephone +61 (0)8 9273 7373 TTY +61 (0)8 9273 7571 landgate.wa.gov.au

THE SCHEDULE

Caveat No:	P916893
Caveator:	PUBLIC TRUSTEE
Nature of Claim:	ABSOLUTE
Affected Titles:	1859-147
Affected Documents:	
Estate/Interest Claimed:	CLAIM CATEGORY: OTHER CLAIM STATEMENT: THE CAVEATOR LODGES THIS CAVEAT TO PREVENT IMPROPER DEALINGS

Western Australian Land Information Authority ABN 86 574 793 858
1 Midland Square, Midland, Western Australia 6056
Postal Address: PO Box 2222, Midland, Western Australia 6936
Telephone +61 (0)8 9273 7373 TTY +61 (0)8 9273 7571 **landgate.wa.gov.au**



11 April 2024

ELAINE LAUREL PERRY
553 HAY STREET
PERTH, WA 6000

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THE SCHEDULE

Caveat No:	P916893
Caveator:	PUBLIC TRUSTEE
Nature of Claim:	ABSOLUTE
Affected Titles:	1859-147
Affected Documents:	
Estate/Interest Claimed:	CLAIM CATEGORY: OTHER CLAIM STATEMENT: THE CAVEATOR LODGES THIS CAVEAT TO PREVENT IMPROPER DEALINGS

Western Australian Land Information Authority ABN 86 574 793 858
1 Midland Square, Midland, Western Australia 6056
Postal Address: PO Box 2222, Midland, Western Australia 6936
Telephone +61 (0)8 9273 7373 TTY +61 (0)8 9273 7571 **landgate.wa.gov.au**



Q307753 SB

07 Feb 2025 08:30:00 Midland



[SB] Scheme By-laws

Lodged by:¹⁷ **ESM Strata**
Address: **15/443 Albany Highway, Victoria Park, WA 6100**
Phone Number: **9362 1166**
Email Address: **info@esmstrata.com.au**
Reference Number: **SP18420**
Issuing Box Number: _____

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

Prepared by: **ESM Strata**
Address: **15/443 Albany Highway, Victoria Park, WA 6100**
Phone Number: **9362 1166**
Email Address: **info@esmstrata.com.au**
Reference Number: **SP18420**

Titles, Leases, Evidence, Declarations etc. lodged herewith

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

OFFICE USE ONLY

Landgate Officer: _____

Number of Items Received: _____

Landgate Officer Initial: _____

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.



Approved Form 2023-38056
Effective for use from: 15/06/2023

SB

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

Common Seal¹³

Date of Execution: _____

The common seal of¹⁴

_____ 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 Council¹⁵:

Member of Council¹⁵:

Signature

Signature

Full Name

Full Name

OR

Not executed under Common Seal¹³

Date of Execution: 29/1/25

Signed for and on behalf of¹⁴ **The Owners of 72 Leonard Street Victoria Park Strata Scheme 18420** in accordance with the *Strata Titles Act 1985* section 118(2):

☒ Member of Council / ☐ Strata Manager of strata company¹⁶:

☒ Member of Council / ☐ Strata Manager of strata company¹⁶:

Signature

Signature

LUCIO FERRARA

RACHEL HEO/LM

Full Name

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.

Version #

Page 13 of

14

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.



Approved Form 2023-38056
Effective for use from: 15/06/2023

SB

Part 7 – Execution

1. For new schemes, owners to sign here:

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

[Insert corporation clause here, if applicable]

Signature

Full Name

In the presence of:

Witness Signature

Full Name

Address

Occupation

Signature

Full Name

In the presence of:

Witness Signature

Full Name

Address

Occupation

Version #

14

Page 12 of

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 – Accompanying documents

[Select those documents to be lodged as evidence]

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

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

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

Version #

Page 11 of

14

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.



Approved Form 2023-38056
Effective for use from: 15/06/2023

SB

Part 5 – By-laws of significance

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

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

By-law number(s)

Staged subdivision by-laws⁶: _____

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

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

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

Leasehold by-laws¹⁰: _____

⁶ Refer *Strata Titles Act 1985* section 42.

⁷ Refer *Strata Titles Act 1985* section 22.

⁸ Refer *Strata Titles Act 1985* section 43.

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

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

Version #

Page 10 of

14

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.



10. Floor coverings

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

11. Garbage disposal

An owner or occupier of a lot must —

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

12. Additional duties of owners and occupiers

An owner or occupier of a lot must not —

- (a) use the lot for a purpose that may be illegal or injurious to the reputation of the building; or
- (b) make undue noise in or about the lot or common property; or
- (c) keep animals on the lot or the common property after notice in that behalf given to that person by the council.

13. Notice of alteration to lot

An owner of a lot must not alter or permit the alteration of the structure of the lot except as may be permitted and provided for under the Act and the by-laws and in any event must not alter the structure of the lot without giving to the strata company, not later than 14 days before commencement of the alteration, a written notice describing the proposed alteration.

14. Appearance of lot

An owner or occupier of a lot must not, without the written consent of the strata company, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.

15. Decoration of, and affixing items to, inner surface of lot

An owner or occupier of a lot must not, without the written consent of the strata company, paint, wallpaper or otherwise decorate a structure which forms the inner surface of the boundary of the lot or affix locking devices, flyscreens, furnishings, furniture, carpets and other similar things to that surface, if that action will unreasonably damage the common property.



- (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. Deleted by Strata Titles Amendment Act 2018

6. Depositing rubbish etc. on common property

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

7. Drying of laundry items and signage

An owner or occupier of a lot must not, except with the consent in writing of the strata company —

- (a) hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the building, other than for a reasonable period on any lines provided by the strata company for the purpose; or
- (b) display any sign, advertisement, placard, banner, pamphlet or like matter on any part of their lot in such a way as to be visible from outside the building.

8. Storage of inflammable liquids etc.

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

9. Moving furniture etc. on or through common property

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



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

9. Powers and duties of secretary of strata company

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

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

10. Powers and duties of treasurer of strata company

The powers and duties of the treasurer of a strata company include —

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

11. Financial Year

The financial year for the strata company is the period of 12 months ending on 31st August.

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

Version #

14

Page 7 of

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.



6. Chairperson, secretary and treasurer of council

(1) The members of a council must, at the first meeting of the council after they assume office as such members, appoint a chairperson, a secretary and a treasurer of the council.

(2) A person —

- (a) must not be appointed to an office referred to in sub-bylaw (1) unless the person is a member of the council; and
- (b) may be appointed to 1 or more of those offices.

(3) A person appointed to an office referred to in sub-bylaw (1) holds office until the first of the following events happens —

- (a) the person ceases to be a member of the council under by-law 4(9);
- (b) receipt by the strata company of a written notice of the person's resignation from that office;
- (c) another person is appointed by the council to hold that office.

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

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

7. Chairperson, secretary and treasurer of strata company

(1) Subject to sub-bylaw (2), the chairperson, secretary and treasurer of the council are also respectively the chairperson, secretary and treasurer of the strata company.

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

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

8. Meetings of council

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

(2) The council may —

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

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

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



5. Election of council at general meeting

The procedure for nomination and election of members of a council must be in accordance with the following rules —

- (1) The meeting must determine, in accordance with the requirements of by-law 4(3) the number of persons of whom the council is to consist.
- (2) The chairperson must call on those persons who are present at the meeting in person or by proxy and entitled to nominate candidates to nominate candidates for election to the council.
- (3) A nomination is ineffective unless supported by the consent of the nominee to the nomination, given —
 - (a) in writing, and furnished to the chairperson at the meeting; or
 - (b) orally by a nominee who is present at the meeting in person or by proxy.
- (4) When no further nominations are forthcoming, the chairperson —
 - (a) if the number of candidates equals the number of members of the council determined in accordance with the requirements of by-law 4(3), must declare those candidates to be elected as members of the council;
 - (b) if the number of candidates exceeds the number of members of the council as so determined, must direct that a ballot be held.
- (5) If a ballot is to be held, the chairperson must —
 - (a) announce the names of the candidates; and
 - (b) cause to be furnished to each person entitled to vote and present in person or by proxy, a blank form in respect of each lot in respect of which the person is entitled to vote for use as a ballot form.
- (6) A person who is entitled to vote must complete a valid ballot form by —
 - (a) writing on the form the names of candidates, equal in number to the number of members of the council so that no name is repeated; and
 - (b) indicating on the form the number of each lot in respect of which the person's vote is cast and whether the person so votes as owner or first mortgagee of each such lot or as proxy of the owner or first mortgagee; and
 - (c) signing the ballot form; and
 - (d) returning it to the chairperson.
- (7) The chairperson, or a person appointed by the chairperson, must count the votes recorded on valid ballot forms in favour of each candidate.
- (8) Subject to sub-by-law (9), candidates, being equal in number to the number of members of the council determined in accordance with by-law 4(3), who receive the highest numbers (in terms of lots or unit entitlements as required under the Strata Titles Act 1985 section 122) of votes are to be declared elected to the council.
- (9) If the number (in terms of lots or unit entitlements as required under the Strata Titles Act 1985 section 122) of votes recorded in favour of any candidate is the lowest of the numbers of votes referred to in sub-by-law (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.



4. Constitution of council

- (1) The powers and duties of the strata company must, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the council of the strata company and a meeting of the council at which a quorum is present is competent to exercise all or any of the authorities, functions or powers of the council.
- (2) Until the first annual general meeting of the strata company, the owners of all the lots constitute the council.
- (3) If there are not more than 3 lots in the scheme, the council consists of all of the owners of the lots and, if there are more than 3 lots in the scheme, the council consists of not less than 3 nor more than 7 of the owners of the lots, as is determined by the strata company.
- (4) If there are more than 3 lots in the scheme, the members of the council must be elected at each annual general meeting of the strata company or, if the number of lots in the scheme increases to more than 3, at an extraordinary general meeting convened for the purpose.
- (6) If there are co-owners of a lot, 1 only of the co-owners is eligible to be, or to be elected to be, a member of the council and the co-owner who is so eligible must be nominated by the co-owners, but, if the co-owners fail to agree on a nominee, the co-owner who owns the largest share of the lot is the nominee or, if there is no co-owner who owns the largest share of the lot, the co-owner whose name appears first in the certificate of title for the lot is the nominee.
- (8) Except if the council consists of all the owners of lots in the scheme, the strata company may by special resolution remove any member of the council before the expiration of the member's term of office.
- (9) A member of the council vacates office as a member of the council —
- (a) if the member dies or ceases to be an owner or co-owner of a lot; or
 - (b) on receipt by the strata company of a written notice of the member's resignation from the office of member; or
 - (c) at the conclusion of an annual general meeting of the strata company at which an election of members of the council takes place and at which the member is not elected or re-elected; or
 - (d) in a case where the member is a member of the council by reason of there being not more than 3 owners of lots in the scheme, on an election of members of the council (as a result of there being an increase in the number of owners to more than 3) at which the member is not elected; or
 - (e) if the member is removed from office under sub-by-law (8); or
 - (f) if the Tribunal orders that the member's appointment is revoked and the member is removed from office.
- (10) The remaining members of the council may appoint a person eligible for election to the council to fill a vacancy in the office of a member of the council, other than a vacancy arising under sub-by-law (9)(c) or (d), and any person so appointed holds office, subject to this by-law, for the balance of the predecessor's term of office.
- (11) Except if 1 person is the owner of all of the lots in the scheme, a quorum of the council is 2 if the council consists of 3 or 4 members; 3, if it consists of 5 or 6 members; and 4, if it consists of 7 members.
- (12) The continuing members of the council may act even if there is a vacancy in the council, but so long as the number of members is reduced below the number fixed by these by-laws as the quorum of the council, the continuing members or member of the council may act for the purpose of increasing the number of members of the council or convening a general meeting of the strata company, but for no other purpose.
- (13) All acts done in good faith by the council, even if it is afterwards discovered that there was some defect in the appointment or continuance in office of any member of the council, are as valid as if that member had been duly appointed or had duly continued in office.



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 of 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. Deleted by Strata Titles Amendment Act 2018

3. Power of strata company regarding submeters

- (1) If the supply of gas or electricity to a lot is regulated by means of a submeter, the strata company may require the owner or occupier of the lot to pay the strata company by way of security for the payment of charges arising through the submeter an amount not exceeding \$200 and, if any amount so paid is applied by the strata company under sub-by-law (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-by-law, 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.



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

Part 3 – Application to Amend

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

The Applicant certifies that:

By resolution without dissent, the voting period for which opened on _____ and closed on _____ (and which must be registered within 3 months after the closing date) the
☐ additions/ ☐ amendments/ ☐ repeal⁵ to the Governance by-laws were made as detailed here.

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

☐ and / ☒ or⁵

By special resolution, the voting period for which opened on _____ and closed on _____ (and which must be registered within 3 months after the closing date) the
☐ additions/ ☐ amendments/ ☐ repeal⁵ to the Conduct by-laws were made as detailed here.

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

☐ and / ☒ or⁵

By ordinary resolution passed on **3/10/2024** 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).

11. Financial Year

The financial year for the strata company is the period of 12 months ending on 31st August.

⁵ Select one.

Version #



Scheme By-laws

Strata Titles Act 1985 (STA)
Part 4 Division 4

Scheme Number: 18420

Part 1 – Applicant

(a) For existing schemes:

The Owners of¹ 72 Leonard Street Victoria Park Strata Scheme 18420; or

(b) For new schemes:

The owner(s)² _____ of land the subject of the plan described as³

Part 2 – Select Option

☐ Option 1 – Voluntary Consolidation⁴

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

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

☐ Option 2 – New Scheme

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

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

☒ Option 3 – Application to Amend

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

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.