Scheme By-laws

*Strata Titles Act 1985* (STA)

Part 4 Division 4

Scheme Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Part 1 – Applicant**

1. **For existing schemes:**

The Owners of[[1]](#footnote-2) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (strata company); or

1. **For new schemes:**

The owner(s)[[2]](#footnote-3) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of land the subject of the plan described as[[3]](#footnote-4) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Part 2 – Select Option**

**Option 1 – Voluntary Consolidation[[4]](#footnote-5)**

[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by-laws in Schedule 1 and conduct by-laws in Schedule 2 of the *Strata Titles Act 1985* are being added to, amended or repealed.]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 Applicantapplies to the Registrar of Titles to have the consolidated set of scheme by-laws as set out in Part 4 registered with the **Application to register strata titles scheme** in respect of the above land.

**Option 3 – Application to Amend**

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

In compliance with the *Strata Titles Act 1985* section 56 and *Strata Titles (General) Regulations* *2019* regulation 56 and if *Strata Titles Act 1985* Schedule 5 clause 4 and the *Strata Titles (General) Regulations 2019* regulation 56 and 180(1) apply to the by-laws of the strata company, the Applicant applies to the Registrar of Titles for registration of an amendment to the strata titles scheme by amending the scheme by-laws at Part 3 and including a consolidated set of scheme by-laws at Part 4.

**Part 3 – Application to Amend**

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

The Applicant certifies that:

By resolution without dissent, the voting period for which opened on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and closed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (and which must be registered within 3 months after the closing date) the  **additions**/  **amendments**/  **repeal**[[5]](#footnote-6) to the Governance by-laws were made as detailed here.

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

**and** /  **or**5

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

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

**Part 4 – Consolidated set of by-laws**

[In this part provide the full text of the current set of scheme by-laws for the scheme classified as governance or conduct and with the relevant by-law number. This should incorporate the addition of new by-laws, amendments to existing by-laws and the removal of repealed by-laws as set out in Part 3.]

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**

[Insert Governance by-law(s) and their by-law number here]

**Conduct by-laws**

[Insert Conduct by-law(s) and their by-law number here]

**Part 5 – By-laws of significance**

[Please complete this part where the by-laws are shown in Part 4. Please complete Part 6 if making, amending or repealing a governance by-law of the kind described in Part 5 and ensure that relevant consents/approvals accompany the Scheme by-laws form.]

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

|  |  |
| --- | --- |
|  | By-law number(s) |
| **Staged subdivision by-laws[[6]](#footnote-7)**: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **By-law under planning (scheme by-laws) condition[[7]](#footnote-8):** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Exclusive use by-laws[[8]](#footnote-9)**:  (existing and new) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

|  |  |  |
| --- | --- | --- |
|  |  | Western Australian Planning Commission (WAPC) approval number (if applicable)[[9]](#footnote-10): |
| **Leasehold by-laws[[10]](#footnote-11):** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**Part 6 – Accompanying documents**

[Select those documents to be lodged as evidence]

|  |  |
| --- | --- |
|  | **Consent Statement – Designated Interest[[11]](#footnote-12) Holders for making / amendment / repeal of staged subdivision by-laws** |

|  |  |
| --- | --- |
|  | Written consent of owner of each lot granted exclusive use (owners of special lots) |
|  |  |
|  | Written consent of Western Australian Planning Commission (WAPC) or Local Government (as relevant) to amendment or repeal of any by-laws created in relation to a planning (scheme by-laws) condition |
|  |  |
|  | **Consent of the Owner of the Leasehold Scheme**[[12]](#footnote-13) 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 |

**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 | Signature |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name |
| In the presence of: | In the presence of: |
| Witness Signature | Witness Signature |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Occupation | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Occupation |

1. **For existing schemes, strata company to execute here:**

|  |  |  |
| --- | --- | --- |
| Common Seal[[13]](#footnote-14)  Date of Execution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_  The common seal of[[14]](#footnote-15)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  is fixed to this document in accordance with the *Strata Titles Act 1985* section 118(1) in the presence of: | | [AFFIX COMMON SEAL HERE] |
| Member of Council[[15]](#footnote-16): | Member of Council15: | |
| Signature | Signature | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name | |

**OR**

|  |  |  |
| --- | --- | --- |
| Not executed under Common Seal13  Date of Execution: \_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signed for and on behalf of14 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in accordance with the *Strata Titles Act 1985* section 118(2): | | |
|  | | |
| Member of Council /  Strata Manager of strata company[[16]](#footnote-17): | Member of Council /  Strata Manager of strata company16: |
| Signature | Signature |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name |

|  |  |  |  |
| --- | --- | --- | --- |
| Lodged by:[[17]](#footnote-18) | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  | Instruct if any documents are to issue to other than Lodging Party  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Address: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Phone Number: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Email Address: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Reference Number: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Issuing Box Number: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
|  | |  |  |
| Prepared by: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  |  |
| Address: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Phone Number: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Email Address: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| Reference Number: | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
|  | |  |  |
| Titles, Leases, Evidence, Declarations etc. lodged herewith  1. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  2. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  3. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  4. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  5. **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | |  | **OFFICE USE ONLY**  Landgate Officer  Number of Items Received: \_\_\_\_\_    Landgate Officer Initial: \_\_\_\_\_\_ |

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. [↑](#footnote-ref-2)
2. Insert the full name(s) of the owners of land the subject of the plan as shown on the certificate of title. [↑](#footnote-ref-3)
3. Insert the description of parcel, e.g. Lot 1 on Deposited Plan 12345. [↑](#footnote-ref-4)
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. [↑](#footnote-ref-5)
5. Select one. [↑](#footnote-ref-6)
6. Refer *Strata Titles Act 1985* section 42. [↑](#footnote-ref-7)
7. Refer *Strata Titles Act 1985* section 22. [↑](#footnote-ref-8)
8. Refer *Strata Titles Act 1985* section 43. [↑](#footnote-ref-9)
9. Refer *Strata Titles Act 1985* section 20. Will not be applicable for schemes registered prior to 1/5/2020. [↑](#footnote-ref-10)
10. Refer *Strata Titles Act 1985* section 40. Will not be applicable for schemes registered prior to 1/5/2020. [↑](#footnote-ref-11)
11. Refer to section 3(1) of the *Strata Titles Act 1985* for the meaning of designated interest. [↑](#footnote-ref-12)
12. Owner of the leasehold scheme has the meaning in section 3(1) of the *Strata Titles Act 1985*. [↑](#footnote-ref-13)
13. See SIG-14 for execution of documents by a strata company. [↑](#footnote-ref-14)
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. [↑](#footnote-ref-15)
15. The common seal must be witnessed by 2 members of council. [↑](#footnote-ref-16)
16. Select whichever is applicable. [↑](#footnote-ref-17)
17. Lodging Party Name may differ from Applicant Name. [↑](#footnote-ref-18)