

FORM 25

Strata Titles Act 1985

Section 5C (1)

SURVEY-STRATA PLAN No. TBA

MANAGEMENT STATEMENT

(Name of original proprietors of land the subject of the plan)

OPAL NIGHT PTY LTD (ACN 142 745 346)

(Description of parcel the subject of the plan) **LOT 32 ON DEPOSITED PLAN 406316 THE WHOLE OF THE LAND COMPRISED IN CERTIFICATE OF TITLE VOLUME TBA FOLIO TBA.**

This management statement lodged or to be lodged with a survey-strata plan in respect of the above land sets out the by-laws of the strata company or amendments to the by-laws contained in Schedules 1 and 2 of the *Strata Titles Act 1985* that are to have effect upon registration of the survey-strata plan.

1. The Schedule 1 by-laws are amended, repealed or added to as follows-

The following by-laws added -

16. ARCHITECTURAL GUIDELINES

- (1) The proprietor of a lot shall not construct, erect or install, or permit to be constructed or erected on a lot –
 - (a) any building on a lot unless it complies with a development application approved by the City of Armadale, the Residential Building Codes and a building license issued by the City of Armadale;
 - (b) any building on a lot unless it complies with AS 3959 of the Building Code of Australia and the approved Bushfire Management Plan (as amended);
 - (c) if required by the Act, any building or building addition without the approval of the strata company obtained in accordance with sections 7A and 7B of the Strata Titles Act 1985.
- (2) The proprietors acknowledge that some services that are common to all lots may be located within, or partly within a lot and that he she or it will not remove or interfere with these services.

17. SHARED USE OF CP 22 GRANTED TO LOTS 1 TO 21

The proprietors of lots 1 to 21 collectively are hereby granted shared use of common property lot 22 ("CP 22") and shall:

- (a) at all times and at their shared costs, maintain and keep CP 22 in a clean, neat and tidy condition and free of potential hazards;
- (b) be collectively responsible to insure, repair and maintain all fixtures, fittings, landscaping, paving and fencing within CP 22;
- (c) not be permitted to park a vehicle on CP 22;
- (d) use CP 22 for the purposes of vehicle and pedestrian access and egress;
- (e) indemnify the strata company against all claims for damages, loss, injury or death arising from the use of the CP 22 by having the necessary public liability insurance in place.

18. PROPRIETORS OF LOT 17 EXEMPT FROM COSTS ASSOCIATED WITH CP 22

In accordance with section 42B of the Act, the proprietors of lot 17 shall;

- (a) be exempt from contributing to any costs associated with the insurance, repair and maintenance of any paving, drainage, landscaping, or fixtures that are located, or may be located on CP 22;
- (b) not be permitted to enter or use CP 22 without the prior permission of the proprietors of lots 1 to 16 and 18 to 21.

19. INSURANCE OBLIGATIONS

- (1) The proprietor of a lot shall be responsible at its cost to insure the buildings contained within its lot for building replacement value and any other appropriate insurance cover.
- (2) The proprietors of lots 1 to 18 and 18 to 21 are responsible at their equally shared cost to insure CP 22 for public liability in accordance with the requirements of the Strata Titles Act

20. LANDSCAPING ON A LOT AND VERGE

- (1) The proprietor, occupier or other resident of a lot that faces onto a public road will at its cost reticulate, mow and maintain the front verge lawn or landscaping.
- (2) A proprietor, occupier or other resident of a lot shall at their costs keep the grounds within their lot to a reasonable and acceptable standard.

2. The Schedule 2 by-laws are amended, repealed or added to as follows:-

Schedule 2 by-laws 1, 2, 3 5, 6, 9, 10, 12(c) and 13 are repealed and the following by-laws added -

15. VEHICLES WITHIN A LOT

A proprietor, occupier or other resident shall use the garage or carport area of their lot for vehicle parking and shall, other than minor repairs and maintenance to a vehicle, not be permitted to conduct major repairs or restorations of any motor vehicle, motorcycle, trailer or other type of vehicle or boat upon any portion of the lots or the common property lot. Unlicensed vehicles or car wrecks are not permitted on the parcel.

16. PEACEFUL ENJOYMENT

(1) A proprietor, occupier or other resident or visitors to a lot are advised that all reasonable efforts are to be made by them, to ensure there is no undue noise within the lots or common property.

(2) A proprietor, occupier or other residents shall not be permitted to make undue noise in or about any lot or common property that contravenes any regulation, by-law, or statute of the local government authority or any other government or regulating authority law.

17. PETS

A proprietor, occupier or other resident of a lot shall be permitted to have a pet on its lot in accordance with the requirements of the City of Armadale's by-laws and ordinances in relation to domestic pets in residential areas. In the event the behaviour of a pet is causing a nuisance or disturbing other proprietors, residents or occupiers right to peaceful enjoyment, then the council of owners shall contact the City of Armadale's ranger to review the situation and resolve the dispute.

DATED THIS

DAY OF

2016

SIGNATURE OF APPLICANT

Executed by OPAL NIGHT PTY LTD
(ACN 142 745 346)

Sole Director and Sole Secretary

SIGNED BY PERSONS HAVING REGISTERED INTERESTS AND CAVEATORS
(IF ANY)

ENCUMBRANCE Document & No **Mortgage TBA**

Signed by

Executed by Walthamstow Pty Ltd
(ACN 008 814 453)

Director

Director

Print full name

Print full name