

FORM B4

OFFICE USE ONLY

J 95784 SM

25~~th~~ Nov, 2004 15:11:56 Perth



REG. \$ 79.00



*See
LOPD
date as
SP. 46318.*

TIME CLOCK

LODGED BY **Freehills**

ADDRESS **QV.1 Building
1250 St Georges Tce
Perth WA 6000**

PHONE No. **Tel: 9211 7777**

FAX No. **Fax: 9211 7878**

REFERENCE No. **LTO Box 116D Perth**

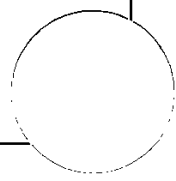
ISSUING BOX No.

PREPARED BY **Freehills**

ADDRESS **Barristers & Solicitors
Level 36 QV1 Building
250 St Georges Terrace
Perth WA 6000**

PHONE No. **(08) 9211 7777**

FAX No. **(08) 9211 7878**



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

1/2

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1.	<i>ONE MISC</i>	Received Items
2.	<i>BRAND</i>	No.s <i>1</i>
3.	_____	
4.	_____	
5.	_____	
6.	_____	Receiving Clerk

ENDORISING INSTRUCTION

EXAMINED

[Signature]

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 Book.

INITIALS OF SIGNING OFFICER

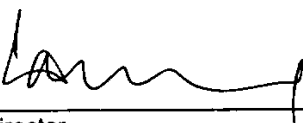


Freehills


DATED 24 NOVEMBER 2004

Execution by the applicants:

Executed by:
Sime Darby Australia Limited:



Director



Director/Secretary

Execution by persons having registered interests and caveators:

Nil

- embarrassment to the proprietor, occupier, or resident of another lot or to any person lawfully using common proprietor.
6. A proprietor, occupier or other resident of a lot must not:
 - (a) permit any child of whom the person has control to play upon common property unless accompanied by an adult exercising effective control; or
 - (b) invite, cause or allow persons not residing in any of the lots to use the common property or facilities unless they are in the company of or supervised by a proprietor or occupier.
 7. A proprietor, occupier, or other resident of a lot must not:
 - (a) deposit or throw upon the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the proprietor, occupier or other resident of another lot or of any person lawfully using the common property;
 - (b) use any part of the common property for any purpose which may be a breach of any municipal, semi-governmental law, by-law, ordinance or regulation;
 - (c) use any part of the common property for any purpose which may be unclean or other than a high standard of cleanliness and order; or
 - (d) use any part of the common property in breach of any rules prescribed by the strata company.
 8. The council may make such rules and regulations and enter into such agreements as it from time to time thinks necessary or desirable in relation to the management, use, safety, cleanliness and maintenance of the common property.
 9. The council may open such accounts in the name of the strata company in such bank or building society it thinks necessary for the purpose of the strata company and shall cause all monies of the strata company to be deposited in that account or accounts. All cheques drawn on any bank account of the strata company shall be signed by any two members of the council.
 10. Notwithstanding any other by-law, a proprietor of a lot shall not install or affix any structure, improvement or object to a balcony or an external wall or surface of a lot unless it is of a standard in keeping with a high class residential development.
 11. A proprietor shall be responsible for the repair, maintenance, service, alteration, adjustment or replacement of any airconditioner, airconditioning unit, fixture, fitting, erection, machinery or equipment on or within or partly on or within, the common property, of which the proprietor enjoys the use and benefit to the exclusion of all other proprietors.
 12. A proprietor shall not do any act or thing which is contrary to or not in accordance with the provisions of any easements relating to the parcel.
 13. A proprietor, occupier or other resident of a lot must not permit or attempt to permit any service provider to install anything in or on the building or the parcel including, without limitation, fibre optic cables and other infrastructure and apparatus for the delivery of communication, television, information and/or other technology services to the building, without the consent of the strata company.

- (7) By-law 2(6) does not require an owner or occupier of a lot to dispose of any chemical, biological, toxic or other hazardous waste in a manner that would contravene any relevant law applying to the disposal of such waste.
 - (8) An owner or occupier of a lot in a strata scheme that has shared receptacles for garbage, recyclable material or waste:
 - (A) must ensure that before refuse, recyclable material or waste is placed in the receptacles it is, in the case of refuse, securely wrapped or, in the case of tins or other containers, completely drained, or, in the case of recyclable material or waste, separately and prepared in accordance with the applicable recycling guidelines, and
 - (B) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled in the area of the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.
 - (9) By-law 2(8) does not require an owner or occupier of a lot to dispose of any chemical, biological, toxic or other hazardous waste in a manner that would contravene any relevant law applying to the disposal of such waste.
3. A proprietor, occupier or other resident of a lot must not:
- (a) 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 development or does not maintain the aesthetic standard of the development, or in the case of any portion of the lot that does not form part of the building, is not in keeping with portions of other lots that do not form part of the building;
 - (b) without the written consent of the strata company, allow any tree, bush or plant growing on any portion of the lot to exceed four metres in height or any other height prescribed by the strata company;
 - (c) affix or attach on any balcony or any part of a lot or other parts of the building or common property any television antenna, radio aerial, television aerial, satellite dish, structure or installation visible from any point exterior to that lot or common property;
 - (d) hang or display or allow to be hung or displayed on or from windows, or other parts of the building laundry, washing, clothing, bedding or other materials or articles if it or they would be visible from outside that lot;
 - (e) display any sign, advertisement, placard, banner, poster, pamphlet or like matter on any part of that person's lot or any other lot or on any part of the common property in such a way as to be visible from outside the lot, building or common property, without the prior written consent of the strata company;
 - (f) carry out, or allow to be carried out, on the lot or any part of the common property any mechanical, electrical or structural repairs, alterations or maintenance to any motor vehicle, boat or other like vessel; or
 - (g) cause or allow any oil, grease, lubricant, petroleum or other like substance to be spilled, leaked or otherwise discharged on any part of the common property, or any part of the lot which would be visible from any point exterior to the lot;

Upon default by the proprietor, occupier or other resident, the council by its agents or contractors may enter upon the common property or the lot to remove, rectify or make good such things and the strata company may recover the incidental costs from the proprietor or occupier as a liquidated sum in any Court of competent jurisdiction.

All consents referred to in this bylaw may be given or withheld at the absolute discretion of the council which shall not be obliged to give any reason for its decisions but if any owner is dissatisfied with the decision of the council the owner may request that the matter be referred to the next meeting of owners for a decision.

- 4. Except with the approval of the strata company, a proprietor, occupier or other resident of a lot must not remove or damage any lawn, garden, flower, tree, shrub, plant, paths, machinery, or other structures or improvements forming part of the common property.
- 5. A proprietor, occupier, or other resident of a lot shall be adequately clothed when upon common property and shall not use language or behave in a manner likely to cause offence or

- (f) ensure that all bins for the use of the occupier of the lot are emptied daily, disinfected weekly and kept within the building on the lot; and
 - (g) comply with any conditions imposed by the strata company in giving consent to the operation of the business in the lot.
- 2.
- (1) A proprietor of a lot shall not alter the structure of the lot except as may be permitted and provided for under the Strata Titles Act and the by-laws and in any event shall not alter the structure of the lot without giving the strata company, not later than 28 days before commencement of the alteration, a written notice describing the proposed alteration.
 - (2) A proprietor, occupier or resident of a lot shall not, except with the consent in writing of the strata company install any fixtures fittings erections machinery or equipment upon any portion of the lot that does not form part of the building and shall not burn off or store any rubbish on it otherwise than as provided in these by-laws.
 - (3) Upon written direction by the council, a proprietor or occupier shall remove, rectify or make good any unauthorised or dangerous alterations, fixtures or works upon that person's lot or common property occupied or used by that person. Upon default by the proprietor or occupier, the council by its agents or contractors may enter upon the common property to remove, rectify or make good such things and the strata company may recover the cost thereof from the proprietor or occupier as a liquidated sum in any court of competent jurisdiction.
 - (4) A proprietor of a lot must not make any changes to the floor coverings or floor space within the lot unless the proprietor ensures that all floor space within the lot is covered or otherwise treated to an extent sufficient to prevent the transmission of noise likely to disturb the peaceful enjoyment of the proprietor, occupier or other resident of another lot and otherwise complies with the relevant codes and building regulations relating to sound transmission applicable to the floors of the lot.
 - (5) A proprietor or occupier of a lot must keep clean all exterior surfaces of glass in windows, doors and sprandrels on the boundary of the lot, including so much as is common property, unless:
 - (A) the strata company resolves that it will keep the glass or specified part of the glass clean; or
 - (B) that glass or part of the glass cannot be accessed by the owner or occupier of the lot safely or at all.
 - (6) An owner or occupier of a lot that does not have shared receptacles for garbage, recyclable material or waste:
 - (A) must maintain such receptacles within the lot, or on such part of the common property as may be authorised by the strata company, in clean and dry condition and (except in the case of receptacles for recyclable material) adequately covered, and
 - (B) must ensure that before refuse, recyclable material or waste is placed in the receptacles it is, in the case of refuse, securely wrapped or, in the case of tins or other containers, completely drained, or, in the case of recyclable material or waste, separately and prepared in accordance with the applicable recycling guidelines, and
 - (C) for the purpose of having the garbage, recyclable material or waste collected, must place the receptacles within an area designated for that purpose by the strata company and at a time not more than 12 hours before the time at which garbage, recyclable material or waste is normally collected, and
 - (D) when the garbage, recyclable material or waste has been collected, must promptly return the receptacles to the lot or other area referred to in paragraph (A),
 - (E) must not place anything in the receptacles of the owner or occupier of any other lot except within the permission of that owner or occupier, and
 - (F) must promptly remove any thing which the owner, occupier or garbage or recycling collector may have spilled from the receptacles and must take such action as may be necessary to clean the area within which that thing was spilled.

must at all times comply with the rules made from time to time by the owner of the Central Facility Lot in relation to the use of the car parking bays on the common property.

- (c) For the purposes of this bylaw, the owner of the Central Facility Lot may place signs designating the car parking bays in the common property regarding the use of those bays.

21. Redevelopment

- (a) Development or redevelopment on the strata lots must comply with an existing development approval issued by the Shire of Augusta-Margaret River, or such alternative development approval as the council may grant, which complies with the requirements of the Shire of Augusta-Margaret River Town Planning Scheme.
- (b) The strata company must not amend or repeal bylaw 21(a) without the prior written approval of the Western Australian Planning Commission.

Part 2

- 1. (1) A proprietor, occupier or other resident shall not:
 - (a) use the lot that the person owns, occupies or resides in for the purpose of conducting or carrying on any kind of business without the consent of the strata company which may be withheld in the complete discretion of the strata company;
 - (b) use the lot that the person owns, occupies or resides in or any part of the common property for any purpose that may be illegal, immoral or injurious to the reputation of the building;
 - (c) make undue noises or smells in or about any lots or the common property or in any way interfere with the peace, quiet and comfort of any proprietor or occupier of the lot, it being acknowledged by all proprietors that the predominant use of the development of which the lot forms part is residential;
 - (d) keep any animals on the lot that the person owns, occupies or resides in, or the common property;
 - (e) park or stand any motor or other vehicle on common property or permit any invitees of the owner or occupier to park or stand any motor or other vehicle on common property except with the prior written approval of the strata company or unless provided for in the by-laws; or
 - (f) transport any furniture, large object or deliveries to or from a lot through or on common property within the building unless sufficient notice has first been given to the council or any manager appointed by the strata company giving details of what will be delivered, when and how it will be delivered and how long the delivery will take so as to enable a representative of the council or the manager to be present, if required, at the time when the owner or occupier does so.
- (2) Without limiting the generality of by-law 1(1), a proprietor or occupier of a lot in which a business is carried on shall:
 - (a) maintain the lot to the highest prevailing standards of cleanliness and hygiene;
 - (b) at all times maintain the standard of decoration and repair to that of high class business premises;
 - (c) not use the lot or permit any use of the lot for any purpose likely to cause nuisance or annoyance to any other proprietor in the vicinity of the lot;
 - (d) ensure that levels of noise within the lot or audible outside the lot do not give rise to any nuisance or annoyance to other proprietors or occupiers of lots and at all times obey the reasonable directions of the council as to the level of noise on the lot or emanating from the lot;
 - (e) if in the opinion of the council the level of noise emanating from the lot is excessive, conduct any business on the lot only during the hours that the council may from time to time specify;

council or such of those powers, authorities, duties and functions as may be specified in the instrument; and

- (b) may sub-delegate each or any of the powers, authorities, duties and functions conferred upon the managing agent by the instrument of appointment to a person whom the managing agent considers properly qualified and experienced in the management and operation of properties similar to the Building.
 - (3) To the extent that the Schedule 1 by-laws confer or impose any power or duty on the council, chairman, secretary or treasurer those powers and duties shall be deemed to be conferred and imposed on the managing agent.
 - (4) The council may raise a separate levy from all proprietors to pay for the appointment of a managing agent to ensure the maintenance, repair, upkeep and decorative order of the common property in conjunction with the maintenance, repair and upkeep of the common property in the adjoining strata scheme and may allocate that levy between proprietors as the council sees fit having regard to the nature of each proprietor's lot and the relative needs of various buildings comprised in the parcel.
17. (1) The proprietor confers on the strata company the right to care for and maintain all lawns, gardens and open areas whether at ground level or not outside any building forming part of the proprietor's lot to a reasonable standard reserving to the strata company the right to make a reasonable charge for all work necessitated by the proprietor's failure to maintain the proprietor's lot in accordance with by-law 1(1)(b).
- (2) The proprietor authorises the strata company to enter the building to exercise the rights conferred on the strata company under by-law 17(1).

18. Strata contributions

- (a) As provided in section 36 of the Strata Titles Act, the council may establish an administrative expenses fund, a reserve fund, determine the amounts to be raised for those funds and levy the proprietors:
 - (1) in proportion to the unit entitlement of their respective lots; or
 - (2) in any other manner permitted under the Act and the by-laws from time to time.
- (b) The council of the strata company may raise the contributions levied by the strata company pursuant to sections 36(1)(c) and 36(2)(c) of the Act on the basis that:
 - (1) separate budgets are prepared for the costs associated with the repair and maintenance of areas, plant and equipment which are provided for the exclusive or predominant use of particular lots as reasonably determined by the council or the manager appointed by the strata company; and
 - (2) the amount levied by the strata company for the control, repair and management of those areas, plant or equipment is apportioned between those lots which have the exclusive or predominant use of those areas, plant or equipment in the same proportion that the unit entitlement of each of those lots bears to the total unit entitlements for all of those lots.

19. Pool, tennis court and other recreational facilities

- (a) The owner of Lot 47 (**Central Facility Lot**) may make rules regarding the use of the pool, tennis court and other recreational facilities situated on the common property.
- (b) A proprietor, occupier or other resident of a lot, including, without limiting the generality of the term, any lessee, licensee, guest or visitor of the proprietor, occupier or other resident, must at all times comply with the rules made from time to time by the owner of the Central Facility Lot in relation to the pool, tennis court and other recreational facilities situated on the common property.

20. Parking areas

- (a) The owner of the Central Facility Lot may make rules regarding the use of the car parking bays on the common property.
- (b) A proprietor, occupier or other resident of a lot, including, without limiting the generality of the term, any lessee, licensee, guest or visitor of the proprietor, occupier or other resident,

**Freycinet Estate, Margaret River
Management Statement**

FORM 25
Strata Titles Act 1985
Section 5C(1)

STRATA PLAN NO. 46318

MANAGEMENT STATEMENT

Name of original proprietors of land the subject of the strata plan:

Sime Darby Australia Limited ACN 008 666 359

Description of parcel the subject of the plan:

Lot 802 on Deposited Plan 39437 and being the whole of the land comprised in Certificate of Title Volume 2576 Folio 385.

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

It is proposed to:

1. add by-laws 16 to 21, as set out in Part 1 of this management statement, to the Schedule 1 by-laws; and
2. repeal the Schedule 2 by-laws and adopt by-laws 1 to 13 as set out in Part 2 of this management statement, in their place.

Part 1

16. (1) The council may from time to time, by instrument in writing, appoint and remunerate one or more managing agents and may, in like manner, delegate to them:
 - (a) all its powers, authorities, duties and functions;
 - (b) any one or more of its powers, authorities, duties and functions specified in the instrument; or
 - (c) all of its powers, authorities, duties and functions except those specified in the instruments;and may, in like manner, revoke the appointment and delegation or revoke in part each delegation.
- (2) Where the instrument of the managing agent's appointment so provides, a managing agent:
 - (a) shall have and may exercise and perform all the powers, authorities, duties and functions of the chairman, secretary and treasurer of the strata company and the