

HARBOUR PINES

Beachside Living at its Best

HARBOUR PINES RETIREMENT VILLAGE

HARBOUR PINES STRATA PLAN 23297 – Amendments as at the 1st May 2020

1. Introduction

The Harbour Pines Strata Plan 23297 is subject to the WA Strata Titles Act 1985 (“The Act”).

“The Act” contains default by-laws which apply to all strata schemes in WA unless a strata company has its own additional by-laws.

Harbour Pines by unanimous resolution of the owners adopted additional by-laws on the 18th March 1993 (as attached).

The Strata Manager of the Strata Plan 23297 since its inception continues to be Adder Holdings Pty Ltd.

Under Section 24.1.1 of the additional by-laws the “Manager” is solely responsible for:-

- A, Management of all activities of the Retirement Community and,
- B, The general administration of the retirement community.

In addition under section 24.4.1:

- (a) All of the Strata Company’s powers, authorities, duties and functions are delegated to the Manager.
- (b) The Manager shall have and may exercise and perform all the powers, authorities, duties and functions of the Chairman, secretary or treasurer of the Strata Company and the Council of The Strata Company.

The Management Committee of the Strata Plan 23297 are referred to as the “Council of the Strata Company”.

The five members of the Council shall comprise of the following:-

- 2 persons elected by the lot proprietors,
- 2 persons appointed by the Manager,

And an independent person nominated by the Manager

The Council's role is to "consider and make suggestions to the Manager in respect of an annual program for each financial year within one month of the previous financial year".

The operation of the Management Committee is outlined under section 24.2.1 of the additional by-laws.

Decisions made by the Council require unanimous approval by all members of the Council (24.2.2).

2. Changes to the Strata Titles Act 1985 as at the 1st May 2020

The amendments have been summarised by Landgate (ref: strata.wa.gov.au) as noted in that summary some of the amendments have grace periods for their implementation and completion.

The changes to the Strata Titles Act that we are now working through will ensure the Harbour Pines Strata Scheme complies with the amendments.

The changes are as follows:

A, 10 year maintenance and reserve fund will be required by the 1st May 2021.

B, Adder Holdings Pty Ltd as the Strata Manager will proceed to:

- i) Obtain and upgrade education qualifications required by the act by the 1st May 2024
- ii) Finalise a written contract as required by the legislation by November 2020.
- iii) Also by the 1st November 2020 Adder will obtain a current national criminal record check for itself and its employees which perform Strata Management functions.
- iv) Adder has already arranged professional indemnity insurance which is now required.
- v) Adder will proceed to lodge a annual return to Landgate containing general information about the Strata Title scheme. The first lodgement will be between 1/1/2021 - 31/3/2022.

C, It should be noted that as of the 1st May 2020 all new Strata Disputes are to be heard by the independent State Administrative TRIBUNAL (SAT). The only exception being the recovery of unpaid levies which will continue to go through the civil courts.