

# CHANGE OF BY-LAWS

New South Wales  
Strata Schemes Management Act 1996  
Real Property Act 1900

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**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) **TORRENS TITLE** For the common property  
CP/SP4781

(B) **LODGED BY**

Document Collection Box <b>1W</b>	Name, Address or DX, Telephone, and Customer Account Number if any Le Page Lawyers, Solicitor Ph: 9264 0052 P O Box A94, SYDNEY SOUTH NSW 1235 Reference: 130823:0121157:0110962	CODE <b>CB</b>
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- (C) The Owners-Strata Plan No. 4781 certify that pursuant to a resolution passed on 18 November 2013 and
- (D) in accordance with the provisions of Section 47 & 52 of the Strata Schemes Management Act 1996 the by-laws are changed as follows—
- (E) Repealed by-law No. 1 - 19 (inclusive)  
Added by-law No. By-Law Nos. 1 - 26 (inclusive) and Special By-Law Nos. 3 and 4  
Amended by-law No. NOT APPLICABLE  
as fully set out below:

(See Annexure Hereto)



- (F) The common seal of the Owners-Strata Plan No. 4781 was affixed on 11/12/2013 in the presence of—

Signature(s):

Name(s):

JOHN O'NEIL

being the person(s) authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.

**STRATA SCHEME NO 4781**  
**ANNEXURE TO NOTIFICATION OF CHANGE OF BY-LAWS**

**By Law 1 – Noise**

- (1) An owner or occupier of a lot must not create any noise on the parcel likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.
- (2) Without limiting cl.(1):
  - (a) an owner or occupier of a lot must not allow the noise from a party in the lot (including the noise of conversation or music) to be heard outside the lot between 12.00 midnight and 10.00 am;
  - (b) subject to By-Law 21, an owner or occupier of a lot must comply with the time limits on the use of certain articles (power tools, swimming pool pumps, musical instruments, electrically amplified sound equipment, air-conditioners, heat pump water heaters, building intruder alarms) in the *Protection of the Environment Operations (Noise Control) Regulation 2008*, as amended.

**By Law 2 – Vehicles**

- (1) An owner or occupier of a lot must not park or stand a vehicle on common property (including visitor's carspaces) without the permission in writing of the owners' corporation. The owners' corporation's permission is not permanent, and may be cancelled by the owners' corporation at any time (subject to the terms of any licence entered into by the owners corporation under s.51 or s.65B of the *Strata Schemes Management Act 1996*).
- (2) An owner or occupier of a lot must not allow a visitor to park or stand a vehicle:
  - (a) in the allocated carspace for tradesmen during tradesmen's hours (being from 8.00 am to 5.00 pm Monday to Friday, excluding Public Holidays); or
  - (b) elsewhere on the common property, other than visitors carspaces.

**By Law 3 - Obstruction of common property**

- (1) An owner or occupier of a lot must not obstruct lawful use of common property by any person.
- (2) An owner or occupier of a lot must not store anything on common property or carry out repairs or maintenance on the common property, without the permission in writing of the owners' corporation.

**THIS is page 2 of a total of 15 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781 was affixed on the 11<sup>th</sup> day of DECEMBER 2013 in the presence of**

**Names:** \_\_\_\_\_  
**Signatures:** \_\_\_\_\_

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**By Law 4 - Damage to lawns, etc on common property**

An owner or occupier of a lot must not damage any lawn, garden, tree or shrub, plant or flower situated on the common property.

**By Law 5 - Damage to common property**

- (1) An owner or occupier of a lot must not mark, paint, drive nails or screws or like into, or otherwise damage or deface any structure that forms part of the common property without the permission in writing of the owners' corporation.
- (2) A permission given by the owners corporation under cl.(1) cannot authorise any additions to the common property.
- (3) This by-law does not prevent an owner or person authorised by an owner installing:
  - (a) any locking device for protection of the owner's lot against intruders;
  - (b) any screen or other device to prevent entry of animals or insects on the lot;
  - (c) any structure or device to prevent harm to children;
  - (d) picture hooks on the interior surface of walls;
  - (e) televisions on the interior surface of walls;
  - (f) ornaments on the front door of the lot.
- (4) Any such item must be installed in a competent and proper manner and must be, after it has been installed, in keeping with the appearance of the rest of the building.
- (5) Despite section 62, the owner of a lot must maintain and keep in a stated of good and serviceable repair any item referred to in subclause (3) that forms part of the common property and that services the lot.
- (6) If an owner or occupier of a lot damages any structure that is part of the common property, then that owner or occupier must reimburse the owners' corporation the cost of repairs.

**By Law 6 - Behaviour of owners and occupiers**

An owner or occupier of a lot when on common property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot or to any person lawfully using common property.

**By Law 7 - Children playing on common property in building**

An owner or occupier of a lot must not permit any child of whom the owner or occupier has control to play on common property within the building or, unless accompanied by an adult exercising effective control, to be or to remain on common property comprising a pool, storage, garden, car parking areas or other area of possible danger or hazard to children.

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**By Law 8 - Behaviour of Invitees**

An owner or occupier of a lot must take all reasonable steps to ensure invitees of the owner or occupier do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using the common property.

**By Law 9 - Depositing rubbish and other material on Common Property**

Subject to By-Law 15:

- (a) An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or any other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using the common property;
- (b) An owner or occupier of a lot must not allow an invitee to the lot or any worker employed by the owner or occupier to deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using the common property;
- (c) An owner or occupier of a lot must not allow any material (including water) to escape from the lot through any window or over any balcony.

**By Law 10 - Drying of laundry items**

An owner or occupier of a lot must not, without the consent on writing of the owners corporation, hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from the outside the building other than on any lines provided by the owners corporation for the purpose and then only for a reasonable period.

**By Law 11 - Cleaning windows, etc**

- (1) An owner or occupier of a lot must keep clean internal glass surfaces of windows on the boundaries of the lot, even though those windows may be common property.
- (2) The owners' corporation must clean the external glass surface of windows in the strata scheme from time to time.
- (3) An owner or occupier of a lot must keep clean the entrance door to the lot, even though it may be common property.

**By Law 12 - Dangerous products**

- (1) An owner or occupier of a lot must not, except with the prior written approval of the owners corporation, use or store on the lot or on the common property an flammable

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chemical, liquid, or gas or any other flammable material.

- (2) The by-law does not apply to chemicals, liquids or gases used for domestic purposes or other material in a fuel tank of a motor vehicle or internal combustion engine.
- (3) An owner or occupier of a lot must not use any chemicals, acetylene gas, or explosive materials in lighting or heating the premises, and must not cause or increase in any way the risk of fire or explosion in the lot.

**By Law 13 - Moving furniture etc on, or through, common property**

- (1) An owner, lessee or occupier of a lot must not move large objects, furniture, or objects that may cause damage to the common property through the common property unless two business days' notice has been given to the caretaker.
- (2) An owner, lessee or occupier of a lot may only move large objects, furniture or objects that may cause damage to the common property through the common property between the hours of 8.00 am and 4.00 pm on Monday to Friday (inclusive), excluding Public Holidays.]
- (3) When moving these objects, an owner, lessee or occupier of a lot must use the entrances located on the parking levels and must not use the entrances located on the ground level. The owner, lessee or occupier must also use the elevator dedicated to moving these objects.
- (4) An owner, lessee or occupier of a lot may only move in or out of a lot between the hours of 8.00 am and 4.00 pm on Monday to Friday (inclusive), excluding Public Holidays.

**By Law 14 - Floor coverings**

- (1) An owner or occupier of a lot must cover or otherwise treat the floor of the lot to prevent the transmission from the floor of noise which may disturb the owner or occupier of another lot.
- (2) If the removal or replacement of the covering or other treatment of the floor in a lot results in the unreasonable disturbance by airborne noise of the owner or occupier of another lot, the owner of the lot must replace the covering or other treatment so as to prevent the unreasonable disturbance.
- (3) Without limiting cl.(1) or cl.(2), if the covering or other treatment of the floor of a lot is removed or changed, the owner of the lot must ensure that the floor provides airborne sound insulation and impact isolation to a rating of five stars, according to the Guideline for Apartment & Townhouse Acoustic Rating then promulgated by the Association of Australian Acoustical Consultants.

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- (4) If the covering or other treatment of the floor of a lot is changed or removed, the owner of the lot must inspect the floor and must advise the owners corporation of damage to the structural floor, including concrete spalling.

**By Law 15 - Garbage Disposal**

An owner or occupier of a lot must ensure that:

- (a) all refuse is securely wrapped before being placed in the garbage chute;
- (b) all empty bottles, plastic containers, aluminium cans and papers are left in the designated service cupboard for the cleaner to dispose of for recycling, and that these items are not placed in the garbage chute; these items are to be emptied of their contents and put in a clean state before they are placed in the designated service cupboard;
- (c) bulky items such as cartons, even if broken up, and also bulk quantities of newspapers are not placed in the chute but left in the service cupboard. If there is insufficient space in the service cupboard, these bulky items must be taken and deposited in the garbage and recycling room on P2; and
- (d) larger cartons and boxes are taken to the designated cardboard disposal area near the front gate to P2, and no other items are deposited in that area.

**By Law 16 - Keeping of animals**

Subject to Section 49 (4) an owner or occupier of a lot shall not keep any animal upon the lot or the common property.

**By Law 17 - Appearance of the lot**

- (1) The owner or occupier of a lot must not, without the written consent of the Owners Corporation maintain within the lot anything visible from outside the that, viewed from outside the lot, is not keeping with the rest of the building.
- (2) This by-law does not apply to the hanging of any washing, towel, bedding, clothing or other article as referred to it in By-law 10.

**By Law 18 - Notice board**

- (1) The owners corporation must cause a notice board to be affixed to some part of the common property.
- (2) An owner of a lot may elect to receive notices and other documents from the owners corporation via electronic means by giving the owners corporation an email address.

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**By Law 19 - Notice of a change of lot usage**

- (1) An owner or occupier of a lot must not use a lot for commercial or industrial purposes without the written permission of the owners' corporation.
- (2) This by-law does not prevent an owner or occupier of a lot undertaking minor home office activities.

**By Law 20 - Short-term tenancies**

An owner, lessee or occupier of a lot may not lease, sub-lease or rent the lot to the same tenant or tenants for a period of less than six months unless the owner or occupier of the lot has written permission of the owners' corporation.

**By Law 21 - Carry out Building Works**

- (1) For the purposes of this by-law,
  - (a) Minor Works are works:
    - (i) which do not affect the common property and which will take no longer than two days; or
    - (ii) relate to the painting of the lot or of the internal surfaces of the common property walls and ceiling to the lot;
  - (b) Other works are Major Works;
  - (c) Building Works are Major Works or Minor Works.

**Minor Works**

- (2) An owner of a lot may carry out Minor Works without the approval of the owners' corporation.
- (3) The owner must schedule with the caretaker the date of commencement of the Minor Works, and give the caretaker two business days' notice of commencement to ensure that access and use of the common property for the purposes of the works can be supervised by the caretaker, and protective coverings can be installed in lifts,

**Major Works**

- (4) To carry out Major Works an owner of a lot:
  - (a) must have the written permission of the owners corporation;

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- (b) must agree in writing to any reasonable conditions of that permission; and
  - (c) must agree in writing to reimburse the owners corporation any reasonable expenses incurred by the owners corporation for any legal advice and specialists' reports required by the owners corporation to reasonably protect its interests related to the Major Works (including without limitation preparation of motions and holding of an extraordinary general meeting, to authorise the Major Works).
- (5) The owners corporation must not withhold or delay permission unreasonably, or impose unreasonable conditions on its permission.
  - (6) An owner may not commence Major Works within two weeks of receiving the owners corporation's permission.
  - (7) An owner must comply with the terms and conditions of the approval granted by any authority to the Major Works.
  - (8) An owner of a lot must not construct a kitchen, bathroom or laundry above any part of a bedroom of the lot below, except in the original location of the kitchen, bathroom or laundry.
  - (9) An owner must pay to the owners corporation a bond equal to the greater of \$3,000.00 and 10% of the value of the Major Works. The owners corporation may apply the bond to rectify any damage to the common property. Upon completion of the Major Works, the bond will be refunded to the owner if any damage to the common property has been rectified by the owner to the reasonable satisfaction of the owners corporation.

**Conditions in carrying out building works**

When an owner of a lot carries out Building Works, the owner must:

- (a) use experienced, reputable and, where appropriate, licensed contractors;
- (b) carry out the Building Works in a proper manner and to the reasonable satisfaction of the owners corporation or its nominated representative; and
- (c) repair any damage the owner (or persons carrying out the Building Works on the owner's behalf) causes to common property or the property of another owner or occupier.
- (d) ensure that contractors and any persons involved in carrying out the Building Works comply with the reasonable requirements of the owners corporation or its nominated representative about the times and means by which they must access the parcel;

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- (e) ensure that the hours of work are restricted to 8.00am – 4.00pm Monday to Friday with no work being undertaken on Saturday, Sunday or on public holidays, and that jackhammers or other heavy duty power tools are only used between 9.00am – 12 noon and 2pm – 4pm on weekdays;
- (f) ensure (subject to paragraph (e)) that works that create noise audible outside the lot and the removal of debris are carried out on week days between 8.00am – 4.00pm;
- (g) ensure that the contractors used to carry out the Major Works are insured under public liability and workers compensation policies and, if required at law, insurance under s.92 of the *Home Building Act 1989*;
- (h) ensure that contractors warrant in terms satisfactory to the owners corporation the quality of work and materials when renovating bathrooms; and
- (i) when replacing a hot water system, install a suitable drip tray and drainage to prevent water-damage of apartments.

**By Law 22 - Security at the Strata Scheme**

**Installation of security equipment**

- (1) The owners corporation has the right to install and to operate in the common property audio and visual security cameras and other audio and visual surveillance equipment for the security of the parcel. An owner or an occupier of a lot consents to the use of such equipment and of information obtained from such equipment for purposes related to the security of the parcel (or part thereof).

**Restricting access to common property**

- (2) The owners corporation has the power to:
  - (a) close off or restrict by security key access to parts of common property that do not give access to a lot;
  - (b) restrict access to sections of the parcel to owners and occupiers of lots in that section, or who have other rights to use that section; and
  - (c) allow security personnel employed or contracted by the owners corporation to use part of common property to operate or monitor security of the parcel and the building.

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**Providing owners and occupiers with security keys**

- (3) The owners corporation may provide the owner or occupier of a lot with a security key for access to part of common property, and may charge a fee or bond if an owner or occupier of a lot requests additional or replacement security keys.
- (4) Each owner or occupier of a lot will be provided with five (5) security keys or other number determined by the owners corporation.

**Managing the Security key system for common property**

The owners corporation has the power to:

- (a) re-code security keys it issues for common property; and
  - (b) require an owner or occupier of a lot to promptly return security keys for recoding.
- (5) In regard to security keys issued by the owners corporation an owner or occupier of a lot must:
- (a) comply with the reasonable instructions of the owners corporation and its agents regarding security keys and, in particular, instructions about re-coding and returning security keys;
  - (b) take all reasonable steps not to lose security keys;
  - (c) immediately notify the owners corporation if a security key is lost; and
  - (d) return security keys to the owners corporation if the owner or occupier no longer needs them, or if the owner or occupier no longer resides in the building.

**Closing Doors**

- (6) An owner or occupier of a lot must take reasonable care to ensure that fire and security doors are locked or closed when they are not being used, and must close any fire or security door after using it.

**Leasing lots**

- (7) If an owner of a lot leases or rents the lot, the owner must:
  - (a) provide a copy of these by-laws to the tenant; and

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- (b) include a requirement in the lease or licence that the tenant comply with all by-laws and return all security keys to the owners corporation when the tenant no longer resides in the building.

**Some prohibitions**

- (8) An owner or occupier of a lot must not:
  - (a) interfere with security cameras or surveillance equipment; or
  - (b) do anything that might prejudice the security or safety of the parcel.

**By Law 23 - Recreation facilities**

An owner or occupier of a lot must ensure:

- (a) that glass containers or receptacles of any type are not taken into or around the swimming pool or adjacent garden areas;
- (b) that no use is made of the pool or adjacent garden areas between the hours of 10:00 pm and 7:00 am or others hours set from time to time by the owners corporation;
- (c) that before re-entering the building after bathing, the owner or occupier and any invitees dry themselves and their costumes, and wear footwear.

**By Law 24 - Notification**

- (1) An owner or occupier of a lot must give prompt notice to the caretaker or Strata Manager of any damage to, or defects in, the water pipes or electrical installations, of which the owner or occupier becomes aware.
- (2) An owner or occupier of a lot must not directly instruct the cleaners, gardeners, or workmen employed by the owners corporation (unless they are directly engaged by the owner or occupier), but may convey a request or suggestion to the Strata Manager.

**By Law – 25 Caretaker**

- (1) The caretaker is an employee of the owners corporation, and reports to the owners corporation and the Strata Managing Agent. The caretaker's roles and responsibilities are stated in the caretaker's employment contract.
- (2) An owner and occupier of a lot may not instruct the caretaker, unless authorised by the owners corporation to do so.

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- (3) The caretaker is authorised to remind an owner or occupier of a lot of his or her obligations, and may report breaches of the by-laws to the Strata Managing Agent and the owners corporation.

**By Law 26 – Smoking**

- (1) An owner and occupier of a lot must not:
- (a) smoke on the common property; or
  - (b) smoke in the lot if the smoke (or the smell of it) enters another lot or the common property; or
  - (c) drop, throw, place or leave any refuse from smoking on the common property, including any butt or match.
- (2) An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier do not:
- (a) smoke on the common property; or
  - (b) smoke in the lot if the smoke (or the smell of it) enters another lot or the common property; or
  - (c) drop, throw, place or leave any refuse from smoking on the common property including any butt or match

**SPECIAL BY-LAW NO. 3**

On the following conditions, the owner for the time being of Lot 52 ("the Owner") shall have a special privilege in respect of the common property to keep in the common property windows serving Lot 52 and installed pursuant to authority granted by the Owners Corporation under s.65A(1) of the *Strata Schemes Management Act 1996*:

- (i) Subject to the by-laws of the strata scheme, the Owners Corporation shall continue to be responsible for the proper maintenance and keeping in a state of good and serviceable repair of the common property.
- (ii) The Owner must indemnify the Owners Corporation against any expense, claim or liability arising out of the installation or operation of the windows, or the removal of windows to permit their installation.
- (iii) Until, from the date five years prior to the making of this by-law, the common property windows to all the lots have been replaced, the Owners Corporation shall

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credit the Owner's levy account with the Owner's proportion, according to the unit entitlement of Lot 52, of any amount applied by the Owners Corporation to purposes which relate to the replacement by the Owners Corporation of common property windows to the other lots.

### Schedule of Conditions

In this Schedule:

- "the Works" means the removal and replacement of all common property windows to Lot 52 on Levels 18, 19 and 20 of the building;
- "Development Consent" means, to the extent that the undertaking of the Works requires development consent, the development consent granted by the local Council or relevant authority, or a complying development certificate in respect of complying development;
- "Lots" means residential lots and excludes garages and common areas.

### Conditions

1. The Works must:
  - (a) be to a design and specification of which the Owners Corporation has approved in writing, such approval not to be withheld or delayed unreasonably;
  - (b) comply with all applicable standards, codes and requirements of the local Council and manufacturer's specifications;
  - (c) be undertaken in a proper and skilful manner, using premium-quality materials;
  - (d) be undertaken by an appropriately licensed contractor;
  - (e) be undertaken pursuant to a contract the terms of which have been approved by the Owners Corporation as to:
    - (i) the provision of warranties in favour of the Owners Corporation in relation to workmanship and materials; and
    - (ii) insurances in respect of public liability, workers compensation, and as required by s.92 of the *Home Building Act 1989*.
2. Not less than 14 days before the start of the Works, the Owner must provide the Owners Corporation with the following:
  - (a) the requisite Development Consent and construction-certified drawings;

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- (b) certification in favour of the Owners Corporation by its nominated engineer or other appropriately qualified consultant that the works the subject of the building contract comply with the requirements in condition 1(a) and (b);
  - (c) the building contractor's management plan for the site, having been previously discussed and agreed with the Owners Corporation; and
  - (d) a bond, equal to the contract price of the Works, which may be applied by the Owners Corporation to making good any damage or loss arising out of the Works or to defray any costs incurred by the Owners Corporation in enforcing these conditions. The Owners Corporation must repay the Owner the residue of the bond within 14 days of certification by the Owners Corporation's engineer or consultant of completion of the Works under condition 3. The Owners Corporation may deposit the bond in an interest bearing account, pending application or return according to these conditions, and any interest on the deposit shall form part of the bond.
3. The Owners Corporation's engineer or other consultant may inspect the Works from time to time to certify that the Works are being carried out (and have been completed) in accordance with these conditions and have not damaged common property unnecessarily. The owner must ensure that the building contractor complies with any reasonable requirements to allow the engineer or consultant to do so, provided that those requirements do not interfere unreasonably with the Works.

**SPECIAL BY-LAW NO. 4**

On the conditions set out in this by-law, the owner for the time being of Lot 53 ("the Owner") shall have a special privilege in respect of the common property to keep within the common property the additions to and alterations of the common property (having been authorised by the owners corporation) to be undertaken in the course of the works described in or contemplated by the drawings of X.PACE Architectural Plans dated 20.09.2013, X.PACE Architectural Sections dated 24.10.2013 and Woolacotts Consulting Engineering drawings dated 13.09.2013, and including (without limitation):

- (i) The application of bituminous paint to the exposed steel in common property walls;
- (ii) The removal and/or replacement of any common property flooring or mortar beds;
- (iii) The installation of sound insulation underlay;
- (iv) The application of grout to the floor slab and common property walls in installing the steel lift and stair structure;
- (v) The installation of a cementitious screed on the floor slab to Level 18;

**THIS is page 14 of a total of 15 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781 was affixed on the 11<sup>th</sup> day of DECEMBER 2013 in the presence of**

**Names:** \_\_\_\_\_  
**Signatures:** \_\_\_\_\_

**being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.**



- (vi) The attachment of pipes to common property pipework;
- (vii) The removal and/or replacement of tiles from common property walls, and the application of adhesive or waterproofing membranes to common property walls;
- (viii) The modification of the fire sprinkler system within the perimeter boundaries of Lot 53 to the extent that it is common property.

**Conditions**

1. Subject to the by-laws of the strata scheme, the Owners Corporation shall continue to be responsible for the proper maintenance and keeping in a state of good and serviceable repair of the common property.
2. The Owner acknowledges that the Owners Corporation is not responsible for the proper maintenance and keeping in a state of good and serviceable repair of the alterations of and additions to Lot 53.
3. The Owner must indemnify the Owners Corporation in respect of any expense or liability, or claim for any damage or loss, arising out of:
  - (a) The alterations of or additions to the common property being part of the works referred to in this by-law, or their use, or
  - (b) The alterations of or additions to Lot 53 being part of the works referred to in this by-law, or their use,
 including any liability in respect of those alterations and additions under s.65(6) of the *Strata Schemes Management Act 1996*.
4. The Owner must comply at the Owner's expense with any valid requirement, valid notice or valid order concerning the alterations of or additions to Lot 53 issued by the local Council or other statutory authority, Tribunal or Court having jurisdiction.

**THIS is page 15 of a total of 15 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781 was affixed on the 11<sup>th</sup> day of DECEMBER 2013 in the presence of**

**Names:** \_\_\_\_\_  
**Signatures:** \_\_\_\_\_

being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.





# CHANGE OF BY-LAW

Strata Titles Act 1973  
Real Property Act 1900



2483648 T

# B

(A) COMMON PROPERTY  
REFERENCE TO TITLE

CP/SP4781

(B) LODGED BY

LTO. Doc  
120#

Name, Address or DN and Telephone  
**BLACKSHAW LINDSAY & LE PAGE**  
**SOLICITORS**  
**16A BLY STREET DOBBLE BAY NSW 2028**  
REFERENCE (max. 16 characters): **RWC: 95.1102**

# CB

(C) THE PROPRIETORS OF STRATA PLAN ... 4781 ... certify that pursuant to a resolution passed on ... 22 April 1996 ... and in accordance with the provisions of section ... 58(2) ... of the Strata Titles Act 1973 / Order No. ... of the Supreme Court of New South Wales / Order No. ... of the Strata Titles Board, the by-laws are changed as follows:

(D) **REPEALED BY-LAW No.** ...  
**INSERTED / ADDED BY-LAW No.** ... Special By-Law 1 ...  
... as fully set out below.

### SPECIAL BY-LAW 1

In addition to the powers, authorities, duties and functions conferred or imposed upon the Body Corporate by the Strata Titles Act 1973 and the by-laws, the Body Corporate may:-

1. Enter into agreements with suppliers of telecommunication services for the installation within the parcel of equipment and facilities for the reception of television communications within each lot or within each lot the proprietor of which consents to the installation.

(See annexure hereto)

(E) The Common Seal of The Proprietors - Strata Plan No. ... 4781 ... was affixed on ... 17<sup>th</sup> May 1996 ... in the presence of

Signature of Witness

PERMANENT PROPERTY MANAGEMENT LIMITED

Name of Witness - BLACK KETTLES

being the person authorised by section 65 of the Strata Titles Act 1973 to attest the affixing of the seal.



*Black Kettles*  
SECRETARY OF P.M.M.L.



**STRATA SCHEME NO 4781**

**ANNEXURE TO NOTIFICATION OF CHANGE OF BY-LAWS**

2. Apply the funds of the Body Corporate for these purposes, for purposes for which it is responsible according to any such agreement, including the maintenance or repair of the equipment and the facilities, or for the acquisition of additional equipment or facilities for the better or more convenient operation of the facilities.

THIS is page 2 of a total of 2 and is the annexure to notification of Change of By-Laws by THE PROPRIETORS - STRATA PLAN NO 4781 dated the            day of            1996

THE COMMON SEAL of THE PROPRIETORS - STRATA PLAN NO 4781 was herewith affixed on the 17 day of MAY 1996 in the presence of

PERMANENT PROPERTY MANAGEMENT LIMITED  
being the person(s) authorised by Section 56 of the Strata Titles Act 1973 to attest the affixing of the seal.



*[Signature]*  
SECRETARY

(9)

**COUNCIL'S CERTIFICATE (S. 66(5))**

I certify that the Council of ..... has approved the change of by-laws set out herein  
DATE: .....  
APPLICATION No. .... Authorised Officer

**INSTRUCTIONS FOR COMPLETION**

1. This form must be completed clearly and legibly in permanent, dense, black or dark blue non-copying ink. If using a dot-matrix printer the print must be letter-quality.
2. Do not use an eraser or correction fluid to make alterations: write through rejected material. Initial each alteration in the left-hand margin.
3. If the space provided at any point is insufficient you may annex additional pages. These must be the same size as the form: paper quality, colour, etc. should conform to the requirements set out in Land Titles Office Information Bulletin No. 19. The first and last pages must be signed by the person witnessing the affixing of the seal of the body corporate.
4. The following instructions relate to the marginal letters on the form.

**(A) COMMON PROPERTY REFERENCE TO TITLE**

Show the Reference to Title of the common property, for example "CP/SF12345" or "Volume 12345 Folio 111".

**(B) LODGED BY**

This section is to be completed by the person or firm lodging the dealing at the Land Titles Office.

**(C) STRATA PLAN**

Show the number of the Strata Plan, the date on which the resolution was passed, the relevant section of the Strata Titles Act 1973 and if appropriate the Supreme Court Order number. The following may be used as a guide:

A change of by-laws pursuant to section 56 (2) of the Act is one which does not create rights of exclusive use and enjoyment of, or special privileges in respect of, common property.

A change of by-laws pursuant to section 58 (1) of the Act is one which changes the terms of an order of a Strata Titles Board having the effect of a by-law and must accordingly be made pursuant to a unanimous resolution.

A change of by-laws pursuant to clause 15 of Schedule 4 of the Act is one which confirms rights of exclusive use and enjoyment of, or special privileges in respect of, common property where such rights were in existence (either pursuant to a resolution of the body corporate or a former by-law) prior to 1st July, 1974. The new by-law must indicate how it may be amended, added to or repealed.

Where the initial period has expired, a change of by-laws pursuant to section 58 (7) of the Strata Titles Act 1973 allows a body corporate, with the consent in writing of a proprietor and pursuant to a special resolution, to make a by-law conferring on that proprietor the exclusive use and enjoyment of, or special privileges in respect of, common property, or by special resolution to make a by-law amending, adding to or repealing any by-law previously made under the subsection.

Where the initial period has not expired, a change of by-laws pursuant to section 58 (7) of the Strata Titles Act 1973 must be authorised by the Supreme Court of New South Wales or the Strata Titles Board; see section 60 (1). The Supreme Court or Strata Titles Board Order number must be shown at note (1).

A by-law made pursuant to sections 66(3) and 58(7) of the Strata Titles Act 1973, before the initial period has expired, confers a right to park a vehicle on part of the common property. This section only allows the addition of a by-law and the Council's Certificate must be completed.

The Registrar General does not require the lodging of a plan for the purpose of the allocation of rights of exclusive enjoyment of, or special privileges in respect of, common property unless it is referred to as an annexure to the by-law, in which case the plan must comply with the appropriate Real Property Act Regulations.

**(D) REPEALED/INSERTED/ADDED BY-LAW NUMBER**

By-laws additional to those already operating should be numbered consecutively commencing with the number next of or the number allotted to the last by-law. Amendment of a by-law is effected by fully repealing the existing by-law and substituting the new by-law in the terms required.

**(E) EXECUTION**

The common seal of the body corporate must be affixed in the presence of the person(s) authorised by section 55 of the Strata Titles Act 1973 to attest the affixing of the seal. Show the number of the Strata Plan and the date on which the common seal was affixed. The appropriate section should be completed by the attesting witness.

**(F) COUNCIL'S CERTIFICATE**

The Certificate must be completed when a by-law is made pursuant to sections 66(3) and 58(7) before the initial period has expired.

The completed dealing must be lodged by hand at the Land Titles Office, Queen's Square, Sydney (adjacent to the Hyde Park Benches) and must be accompanied by the relevant Certificate of Title for the Common Property.

If you have any questions about filling out this form, please call (02) 238-6666 and ask for Customer Services Branch.

# CHANGE OF BY-LAWS

Leave this space clear. Affix additional pages to the top left-hand corner.

New South Wales  
Strata Schemes Management Act 1996  
Real Property Act 1900

**PRIVACY NOTE:** this information is legally required and will become part of the public record

**(A) TORRENS TITLE**

For the common property	CP/SP 4781
-------------------------	------------

**(B) LODGED BY**

Delivery Box	Name, Address or DX and Telephone	CODE
	Reference (optional):	<b>CB</b>

(C) The Owners-Strata Plan No 4781 certify that pursuant to a resolution passed on 10/11/05 and in accordance with the provisions of—

- (D) • section 54 of the Community Land Management Act 1989
- section N/A of the Strata Schemes (Freehold Development) Act 1973
- section 47 of the Strata Schemes Management Act 1996
- order No N/A of the Strata Schemes Adjudicator
- order No N/A of the Strata Schemes Board

the by-laws are changed as follows—

- (E) Repealed by-law No 16
- Added by-law No SPECIAL BYLAW NO. 1
- Amended by-law No N/A

as fully set out below:

SEE ANNEXURE "A"

(F) The common seal of the Owners-Strata Plan No 4781 was affixed on 01/12/2005 in the presence of—

Signature(s) \_\_\_\_\_  
Name(s) JOHN O'NEILL



being the person(s) authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.

**(G) COUNCILS CERTIFICATE UNDER SECTION 56(4) OF THE STRATA SCHEMES MANAGEMENT ACT 1996**

I certify that \_\_\_\_\_ has approved the change of by-laws set out herein.

Signature of authorised officer \_\_\_\_\_

Name and position of authorised officer \_\_\_\_\_

ANNEXURE "A"

SPECIAL  
RESOLUTION :

**RESOLVED** by Special Resolution pursuant to S47 of the Strata Schemes  
Management Act 1996 and the following addition be made to the By Laws  
applying to the Strata Schemes and that notification of such be lodged for  
registration in accordance with S48 at the Land Titles Office:

SPECIAL BY LAW NO 1: NO ANIMALS

That subject to S49(4) an owner of occupier of a Lot shall not keep any  
animal upon the lot or the common property;

*[Handwritten signature]*



*[Handwritten signature]*

Form: 15CB  
 Release: 2.0  
 www.lands.nsw.gov.au

**CHANGE OF BY-LAWS**  
 New South Wales  
 Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) **TORRENS TITLE**

For the common property CP/SP4781
--------------------------------------

(B) **LODGED BY**

Document Collection Box <b>1W</b>	Name, Address or DX and Telephone David Le Page Solicitor DX 358 SYDNEY Reference: 4781-060740	CODE  <b>CB</b>
--	--	-----------------------

(C) The Owners-Strata Plan No. 4781 certify that pursuant to a resolution passed on 14 December 2008 and in accordance with the provisions of S. No. 52 of the Strata Schemes Management Act 1996

(D) the by-laws are changed as follows

(E) Repealed by-law No. NOT APPLICABLE  
 Added by-law No. **Special By-Law No. 2**  
 Amended by-law No. NOT APPLICABLE  
 as fully set out below:

(See Annexure HereLo)



(F) The common seal of the Owners-Strata Plan No. 4781 was affixed on 17th Dec 2008 in the presence of—

Signature(s):

Name(s):

*John O'Neill*

being the person(s) authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.

(G) **COUNCILS CERTIFICATE UNDER SECTION 56(4) OF THE STRATA SCHEMES MANAGEMENT ACT 1996**

I certify that \_\_\_\_\_ has approved the change of by-laws set out herein.

Signature of authorised officer:

Name of authorised officer:

Position of authorised officer:

**STRATA SCHEME NO 4781**  
**ANNEXURE TO NOTIFICATION OF CHANGE OF BY-LAWS**

**SPECIAL BY-LAW 2**

On the conditions set out in this by-law, the owner for the time being of Lot 52 ("the owner") shall have a special privilege in respect of the common property to undertake and to maintain the following alterations and additions:-

- (i) demolish existing concrete slab and make good all adjacent walls, edges and ceiling faces in accordance with the Drawing No. DA.002 A by The World is Round;
- (ii) demolish existing block work, partitions and sealed cornices and make good adjacent wall, partition and ceiling faces in accordance with Drawing No. DA.002 A by The World is Round;
- (iii) demolish all existing floor finishes and install new edge detail in accordance with Drawing No. DA.002 A by The World is Round;
- (iv) install new full height block work walls in accordance with Drawing No. DA.003 B by The World is Round;
- (v) install new full height roller blinds in accordance with Drawing No. DA.003 B by The World is Round;
- (vi) demolish existing concrete slab and make good all adjacent walls, edges and ceiling faces in accordance with Drawing No. DA.005 A by The World is Round;
- (vii) demolish existing block work partitions and ceiling cornices and make adjacent wall, partition and ceiling faces in accordance with Drawing No. DA.005 A by The World is Round;
- (viii) demolish all existing floor finishes in accordance with Drawing No. DA.005 A by The World is Round;
- (ix) demolish existing concrete slab and make good all adjacent walls, edges and ceiling faces in accordance with Drawing No. DA.008 A by The World is Round;
- (x) demolish existing block work, partitions and ceiling cornices and make good adjacent wall, partition and ceiling faces in accordance with Drawing No. DA.008 A by The World is Round;
- (xi) demolish existing roof and structure in accordance with Drawing No. DA.008 A by The World is Round;
- (xii) install new full height block work walls in accordance with Drawing No. DA.009 A by The World is Round;

**THIS is page 2 of a total of 8 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781** was affixed on the 17 day of DECEMBER 2008 in the presence of

Names: \_\_\_\_\_  
Signatures: \_\_\_\_\_

*John O'Neil*

being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.



- (xiii) install new vertical glazing in accordance with Drawing No. DA.009 A by The World is Round;
- (xiv) install new roof structure to replace existing roof structure in accordance with Drawing No. DA.010 B by The World is Round;
- (xv) install air-conditioning system, power supply, controls, duct work, drainage, supports, flushing and ancillary equipment in accordance with the Mechanical Services Performance Specification Document No. MS01 dated 7 April 2008, a copy of which is annexed to the Notice of Meeting at which this resolution is to be considered;
- (xvi) install ovens, dishwasher, cook top, two sinks and two tap sets and Zip in accordance with Kitchen Fixtures Schedule Revision A dated 17 March 2008 a copy of which is annexed to the Notice of Meeting at which this resolution is to be considered and all ancillary fixtures and fittings;
- (xvii) install colour bond clip-lock roofing to the level 20 annex;
- (xviii) install carpet and Regupol underlay to the bedrooms;
- (xix) install interior timber flooring and Regupol underlay to levels 18, 19 and the stair treads;
- (xx) install exterior timber flooring to level 20;
- (xxi) install interior timber flooring to level 20;
- (xxii) install stone to bathroom vanity;
- (xxiii) install floor tiles and waterproofing to the bathrooms;
- (xxiv) install wall tiles to the bathrooms;
- (xxv) install exterior floor tiles;
- (xxvi) Install stainless steel handrails;
- (xxvii) install glass sliding doors, walls and shower screens;
- (xxviii) install motorised roller blinds with fabric to all interior windows from ceiling to floor;
- (xxix) install vision control film screen vinyl to window glass on level 18 living room and level 19 master bedroom and dressing room;
- (xxx) install air-conditioning bulkhead linear diffuser grilles;

**THIS is page 3 of a total of 8 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781 was affixed on the 17<sup>th</sup> day of DECEMBER 2008 in the presence of**

**Names:** \_\_\_\_\_  
**Signatures:** \_\_\_\_\_

**being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.**



all in accordance with Finishes Schedule Revision A dated 17 March 2008 by The World is Round;

(xxxi) install:

- (a) toilet in bathroom and ensuite on levels 18, 19 and 20 and all fixtures and ancillary fittings;
- (b) basin mixer, shower rose and bath / shower mixer with diverter in the bathroom and ensuite on level 18, 19 and 20 and all ancillary fixtures and fittings;
- (c) three piece bathroom set to level 19 bathroom and all ancillary fixtures and fittings;
- (d) shower drain to the showers in the bathroom and ensuite on level 18, 19 and 20 and all ancillary fixtures and fittings;
- (e) toilet roll holder, shower soap holder and shampoo shelf and all ancillary fixtures and fittings to the bathroom and ensuite on level 18, 19 and 20;
- (f) a shampoo shelf and towel rails in the bathroom and ensuite on level 18, 19 and 20;
- (g) a bath in the level 19 bathroom and all ancillary fixtures and fittings;
- (h) waste and bottle traps in the bathroom and ensuite and all ancillary fixtures and fittings;

all in accordance with Fixtures Schedule Revision A dated 17 April 2008, a copy of which is annexed to the Notice of Meeting at which this resolution is to be considered;

(xxxii) install electrical services and all associated fixtures and fittings in accordance with general specification by Webb Australia Group (NSW) Pty Limited dated 8 April 2008, a copy of which is annexed to the Notice of Meeting at which this resolution is to be considered;

(xxxiii) install doors and all associated fixtures and fittings in accordance with the Door Schedule prepared by The World is Round Revision A 22/04/08 a copy of which is annexed to the Notice of Meeting at which this resolution is to be considered;

The undertaking of these alterations and additions is referred to in this by-law as "the works".

**Conditions:-**

**Before the Works**

1. Before starting the works, the owner must provide the Owners Corporation with: **THIS is page 4 of a total of 8 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781** was affixed on the 17 day of December 2008 in the presence of

Names: \_\_\_\_\_

Signatures: \_\_\_\_\_

being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.





- i) A copy of any requisite approval of the local Council, including all drawings, specifications, conditions and notes;
- ii) A copy of any requisite construction certificate for the works, under Part 4A of the Environmental Planning & Assessment Act 1979;
- iii) A copy of the certificate of insurance relating to the works, if required under Section 92 of the Home Building Act 1989;
- iv) A copy of the certificate of a duly qualified engineer addressed to the Owners Corporation, containing that engineer's opinion that the works will not affect the structural integrity of the building or any part of it;
- v) A copy of specifications prepared by the building contractor who is to carry out the works;
- vi) A copy of the licence held by the building contractor who is to carry out the works;
- vii) Evidence of currency for the duration of the works of Contractors' All Risks insurance cover in an insurance office of repute (incorporating cover against public risk in respect of claims for death, injury, accident and damage occurring in the course of or by reason of the works to a minimum of \$10,000,000), to which the owner is a named party;
- viii) Obtain from the Owners Corporation its written approval (which shall not be withheld unreasonably) to the proposed means of entering and leaving the building for tradesmen, building materials, tools and debris; and
- ix) Display on the Owners Corporation Notice Board for the information of all occupants of lots within Strata Plan No. 4781 a timetable for the commencement and completion of the works.

**The Works**

2. In undertaking the works, the owner must by himself, his agents, servants and contractors:-
- i) Use best-quality and appropriate materials, in a proper and skilful manner;
  - ii) Comply with all conditions and requirements of the local Council;
  - iii) Comply with the Building Code of Australia and all pertinent Australian Standards;
  - iv) Comply with the terms of any approval given by the Owners Corporation under this by-law;

**THIS is page 5 of a total of 8 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781 was affixed on the 17 day of DECEMBER 2008 in the presence of**

**Names:** \_\_\_\_\_  
**Signatures:** \_\_\_\_\_

**being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.**



- v) Not allow the obstruction of reasonable use of the common areas of the strata scheme in the course of the works, by building materials, tools, machines, debris or motor vehicles, and clean dust, dirt and debris from common property caused by the works at the conclusion of every day during which the works are being constructed;
  - vi) Ensure that any works involving the use of jack hammers, masonry drills or other noisy work is undertaken between the hours of 9 am and 5 pm on weekdays (other than public holidays);
  - vii) Give to the residents of other lots in the building not less than 24 hours notice of any demolition work or work involving the use of percussion tools by placing a notice on the notice board that is located on the common property;
  - viii) Comply with any reasonable requirement of the Owners Corporation concerning the means of entering and leaving the building for tradesmen, building materials, tools and debris;
  - ix) Carry out the works between 8 am and 5 pm on Monday to Friday (inclusive), excluding public holidays;
  - x) Ensure that the works are carried out by a licensed building contractor;
  - xi) Ensure that the works are carried out in accordance with plans, drawings and specifications approved by the local Council, including the plans approved by Dincel & Associates Consulting Engineers; and
  - xii) Comply with the reasonable requirements of any building consultant or engineer engaged by the Owners Corporation to supervise or to inspect the works, for the purpose of ensuring compliance with the provisions of this condition.
3. The owner must complete the works within five months of commencement of the works.
  4. The owner may not vary the works except in accordance with the written approval of the Owners Corporation and the local Council.

**After the Works**

5. After completion of the works, the owner must provide the Owners Corporation with a copy of a compliance certificate for the works, under Part 4A of the Environmental Planning & Assessment Act 1979.
6. The owner must furnish the Owners Corporation with plans which identify the location of the altered plumbing and electrical services, as installed.

**THIS is page 6 of a total of 8 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781** was affixed on the 17 day of DECEMBER 2008 in the presence of

Names: \_\_\_\_\_  
 Signatures: \_\_\_\_\_  
 \_\_\_\_\_

being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.



7. The owner must remove from common property all debris, building materials and rubbish left by the building contractor or his agents, servants or sub-contractors, immediately upon completion of the works.

#### Repair & Maintenance

8. Subject to the terms of this by-law, any amendment of the by-laws from time to time and any resolution of the Owners Corporation under Section 62(3) of the Strata Schemes Management Act 1996, the Owners Corporation shall continue to be responsible for the proper maintenance and keeping in a state of good and serviceable repair of the common property.
9. The owner must maintain the improvements installed in the course of the works (including fixtures and fittings installed as part of the works) in a state of good and serviceable repair, and must renew or replace them whenever necessary.

#### Damage

10. The owner must repair promptly any damage caused or contributed to by the works, including damage to the property of the Owners Corporation and the property of the owner or occupier of another lot in the strata scheme.

#### Indemnity

11. The owner must indemnify the Owners Corporation against:-
- i) All costs of reviewing or supervising the works (including the costs of any consultants including engineering consultants retained by the Owners Corporation for this purpose);
  - ii) Any liability or expense arising out of the works, including any liability under Section 65(6) of the Strata Schemes Management Act 1996 for damage to the improvements installed in the course of the works.

#### Insurance

12. The owner must apply the proceeds of a claim in respect of insurance referred to in Condition 1.1(iii) to the repair or completion of the works, or to reimbursement for their prior repair or completion.
13. The Owners Corporation at its option may make and conduct any claim against an insurer in respect of insurance referred to in Condition 1(iii) or (vii).
14. The owner appoints the Owners Corporation its attorney for the purposes of Conditions 12 and 13, and at the request of the Owners Corporation will do any act required to give effect to this authority.

**THIS is page 7 of a total of 8 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781 was affixed on the 17 day of DECEMBER 2008 in the presence of**

**Names:** \_\_\_\_\_  
**Signatures:** \_\_\_\_\_

**being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.**



**Costs**

15. The owner must meet all reasonable expenses of the Owners Corporation incurred in the drafting, making, registration and enforcement of this by-law including but not limited to all costs incurred by the Owners Corporation in retaining a building consultant and engineer to supervise or to inspect the works, for the purpose of ensuring compliance with the provisions of Condition 2 of this by-law.

**THIS is page 8 of a total of 8 and is the annexure to the Change of By-Laws form by THE OWNERS – STRATA PLAN NO 4781.**

**THE COMMON SEAL of THE OWNERS – STRATA PLAN NO 4781 was affixed on the 17 day of December 2008 in the presence of**

**Names:** John O'Neill  
**Signatures:** \_\_\_\_\_

**being the persons authorised by Section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.**



BOX 779B  
(AB976571)

NEW SOUTH WALES

# CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE

REGISTERED IN THE REGISTER	
IDENTIFIER <b>CP/SP4781</b>	
SUBJECT	DATE OF ISSUE
<b>4</b>	<b>12/12/2005</b>
CERTIFICATE AUTHORITY NUMBER	
<b>ZYOJ-KJ-WEQV</b>	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.



REGISTRAR GENERAL

LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 4781 WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM

AT DARLING POINT  
LOCAL GOVERNMENT AREA: WOOLLAHRA  
PARISH OF ALEXANDRIA, COUNTY OF CUMBERLAND  
TITLE DIAGRAM: SHEET 1/SP4781

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 4781  
ADDRESS FOR SERVICE OF NOTICES:  
"FASTBOURNE TOWERS"  
FASTBOURNE ROAD  
DARLING POINT 2027

SECOND SCHEDULE

- RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- L91/3/3 COVENANT
- Z922696 CHANGE OF BY-LAWS
- U251687 CHANGE OF BY-LAWS
- Z483648 CHANGE OF BY-LAWS
- AB976571 CHANGE OF BY-LAWS

SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 25000)

STRATA PLAN 4781

LOT	ENT	LOT	ENT	LOT	ENT	LOT	ENT
1	315	2	454	3	328	4	320
5	458	6	330	7	326	8	462
9	333	10	325	11	466	12	336
13	342	14	470	15	338	16	356
17	276	18	310	19	362	20	482
21	343	22	366	23	488	24	344
25	340	26	495	27	348	28	372

END OF PAGE 1 CONTINUED OVER

BOX 779B  
(AB976571)

NEW SOUTH WALES

# CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



TORRENS TITLE

TITLE NUMBER: CP/SP4781	
ENVIRONMENT: 4	DATE OF ISSUE: 12/12/2005
CERTIFICATE NUMBER: ZYQJ-KJ-WEQY	

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register.

*David Walsh*  
REGISTRAR GENERAL



(AGGREGATE: 25000) (CONTINUED)

### SCHEDULE OF UNIT ENTITLEMENT

#### STRATA PLAN 4781 (CONTINUED)

LOT	ENT	LOT	ENT	LOT	ENT	LOT	ENT
1	502	30	352	31	375	32	509
29	357	34	381	35	517	36	362
33	387	38	526	39	372	40	393
37	534	42	373	43	399	44	543
41	382	46	406	47	552	48	387
45	412	50	562	51	392	52	830
49	1130	54	790	55	15	56	15
53	15	58	15	59	15	60	15
57	20	62	20	63	20	64	20
61	20	66	20	67	20	68	29
65	20	70	20	71	20	72	20
69	20	74	20	75	20	76	20
73	17	78	17	79	17	80	15
77	15	82	15	83	15	84	17
81	17	86	17	87	17	88	17
85	17	90	17	91	17	92	17
89	17	94	20	95	30	96	15
93	17	98	18	99	18	100	18
97	15	102	18	103	18	104	23
101	18	106	23	107	23	108	23
105	23	110	23	111	23	112	23
109	23	114	23	115	23	116	23
113	23	118	18	119	18	120	18
117	21	122	18	123	18	124	18
121	18	126	15	127	15	128	15
125	15	130	15	131	15	132	15
129	15	134	15	135	15	136	15
133	15						

\*\*\* END OF CERTIFICATE \*\*\*

R746



*CB*



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522696 T

**CHANGE OF BY-LAWS**

SECTIONS 54 (2), 58 (1), OR CLAUSE 15 OF  
SCHEDULE 4, STRATA TITLES ACT, 1973  
REAL PROPERTY ACT, 1900  
(See Instructions for Completion on back of form)

CB	A	1	1	1
				1/1
				5 47.

REFERENCE TO  
TITLE OF  
COMMON  
PROPERTY  
Note (a)

Torrens Title Reference	
Volume 8517 Folio 31	NOW BEING <u>478</u> OF LAND COVERED IN FOLIO <u>C/P/SP 478</u>

NUMBER OF  
STRATA PLAN  
Note (b)  
Note (c)  
Note (d)

THE PROPRIETORS—STRATA PLAN No. 478 the registered proprietor of the common property comprised in the Certificate of Title above  
referred to, certifies that, by a resolution duly passed on 3rd December 1990 in accordance with the provisions of Section 58 (2)  
of the Strata Titles Act, 1973, it changed the by-laws as follows:

Note (a)  
Note (b)

REPEALED BY-LAW No. _____	OFFICE USE ONLY  <b>ON CB</b>
INSERTED/ADDED BY-LAW No. <u>30</u>	

- 30 (a) A proprietor or occupier of a lot shall not construct a garden or other structure upon any part of the roof and in particular shall not place any tree, shrub, plant or flower on the roof except in a pot or similar portable container.
- (b) A proprietor or occupier of a lot shall not penetrate, drive nails or screws into or otherwise cut or drill into the roof tiles or any other part of the roof surface without the consent in writing of the Body Corporate.

347.  
S.

077

The continued seal of The Proprietors—Strata Plan No. 478  
was hereunto affixed on 11th FEBRUARY 1991 in the presence of  
GERARD KING ALANIAN  
BARBARA MORAN (BLOCK LETTERS)  
CARRICK  
being the person(s) authorized by section 55 of the Strata Titles Act, 1973, to attest the validity of the seal.



TO BE COMPLETED  
BY LODGING PARTY  
Notes (a)  
and (b)

LODGED BY  
R. P. SEACH & CO.  
Solicitors  
39/41 York Street  
SYDNEY, N.S.W. 2000  
Tele: 290.2688  
Delivery Box Number 287X

LOCATION OF DOCUMENTS	
CT	OTHER
<input checked="" type="checkbox"/>	
	Handwritten
	In L.T.O. Box
	Produced by
Secondary Director	
Delivery Director	<u>CT-287X</u>

OFFICE USE ONLY

Checked	Period	REGISTERED
<u>OK</u>		
Signed	Extra Fee	
		<b>18 MAR 1991</b>



## CHANGE OF BY-LAW

Strata Titles Act 1973  
Real Property Act 1900



U  
261687 W

(A) COMMON PROPERTY  
REFERENCE TO TITLE

CP/SP 4781

(B) LODGED BY

L.T.O. Box	Name, Address or DX and Telephone	
287Y	RUSSELL F. SEACH, Solicitor, Level 8, 32 Bridge Street, SYDNEY, N.S.W. 2000	CB

- (C) THE PROPRIETORS of STRATA PLAN 4781 certify that pursuant to a resolution passed on 14th December,  
and in accordance with the provisions of section 58(7) of the Strata Titles Act 1973 / Order No. 1993  
of the Supreme Court of New South Wales / Order No. ..... of the Great Titles Board; the by-laws are changed as follows:
- (D) ~~REPEALED BY LAW No. ....~~  
INSERTED/ADDED BY-LAW No. 31 as fully set out below.

" The proprietor for the time being of Lot 53 shall be entitled to the right of exclusive use and enjoyment of the upperdeck above the roof terrace being part of lot 53 on the basis that the proprietor shall keep such area in a good state of cleanliness and the body corporate shall continue to be responsible for the proper maintenance, and keeping in a state of good and serviceable repair, of such part of the common property PROVIDED THAT the proprietor shall be responsible for any necessary repairs due to the negligent act or misuse of such part of the common property by the proprietor."

- (E) The Common Seal of The Proprietors - Strata Plan No. 4781 was affixed on 14TH DECEMBER 1994 in the presence of

Signature of Witness

J. DEBOURGIEU AND R. YAKS

Name of Witness BLOCK LETTERS

being the person authorised by section 53 of the Strata Titles Act 1973 to attest the affixing of the seal.



INSTRUCTIONS FOR FILLING OUT THIS FORM ARE GIVEN ON THE BACK

CHECKED BY (Office use only)

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(F)

**COUNCIL'S CERTIFICATE (s. 66(5))**

I certify that the Council of ..... has approved the change of by-laws set out herein.  
DATE .....  
APPLICATION No. .... Authorised Officer

**INSTRUCTIONS FOR COMPLETION**

1. This form must be completed clearly and legibly in permanent, dense, black or dark blue non-copying ink. If using a dot-matrix printer the print must be letter-quality.
2. Do not use an eraser or correction fluid to make alterations; rub through rejected material, initial and liberate in the left-hand margin.
3. If the space provided at any point is insufficient you may annex additional pages. These must be the same size as the form; paper quality, colour, etc. should conform to the requirements set out in Land Titles Office Information Bulletin No. 19. The first and last pages must be signed by the person witnessing the affixing of the seal of the body corporate.
4. The following instructions relate to the marginal letters on the form.

**(A) COMMON PROPERTY REFERENCE TO TITLE**

Show the Reference to Title of the common property, for example 'CP/SP12345' or 'Volume 12345 Folio 111'.

**(B) LODGED BY**

This section is to be completed by the person or firm lodging the dealing at the Land Titles Office.

**(C) STRATA PLAN**

Show the number of the Strata Plan, the date on which the resolution was passed, the relevant section of the Strata Titles Act 1973 and if appropriate the Supreme Court Order number. The following may be used as a guide:

A change of by-laws pursuant to section 58 (2) of the Act is one which does not create rights of exclusive use and enjoyment of, or special privileges in respect of, common property.

A change of by-laws pursuant to section 58 (11) of the Act is one which changes the terms of an order of a Strata Titles Board having the effect of a by-law and must accordingly be made pursuant to a unanimous resolution.

A change of by-laws pursuant to clause 15 of Schedule 4 of the Act is one which confirms rights of exclusive use and enjoyment of, or special privileges in respect of, common property where such rights were in existence (either pursuant to a resolution of the body corporate or a former by-law) prior to 1st July, 1974. The new by-law must indicate how it may be amended, added to or repealed.

Where the initial period has expired, a change of by-laws pursuant to section 58 (7) of the Strata Titles Act 1973 allows a body corporate, with the consent in writing of a proprietor and pursuant to a unanimous resolution, to make a by-law conferring on that proprietor the exclusive use and enjoyment of, or special privileges in respect of, common property, or by special resolution to make a by-law amending, adding to or repealing any by-law previously made under the subsection.

Where the initial period has not expired, a change of by-laws pursuant to section 58 (7) of the Strata Titles Act 1973 must be authorised by the Supreme Court of New South Wales or the Strata Titles Board: see section 66 (1). The Supreme Court or Strata Titles Board Order number must be shown at note (C).

A by-law made pursuant to sections 66(3) and 58(7) of the Strata Titles Act 1973, before the initial period has expired, confers a right to park a vehicle on part of the common property. This section only allows the addition of a by-law and the Council's Certificate must be completed.

The Registrar General does not require the lodging of a plan for the purpose of the allocation of rights of exclusive enjoyment of, or special privileges in respect of, common property unless it is referred to as an annexure in the by-law, in which case the plan must comply with the appropriate Real Property Act Regulations.

**(D) REPEALED/INSERTED/ADDED BY-LAW NUMBER**

By-laws additional to those already operating should be numbered consecutively commencing with the number next after the number allotted to the last by-law. Amendment of a by-law is effected by fully repealing the existing by-law and substituting the new by-law in the terms required.

**(E) EXECUTION**

The common seal of the body corporate must be affixed in the presence of the person(s) authorised by section 55 of the Strata Titles Act 1973 to attest the affixing of the seal. Show the number of the Strata Plan and the date on which the common seal was affixed. The appropriate section should be completed by the attesting witness.

**(F) COUNCIL'S CERTIFICATE**

The Certificate must be completed when a by-law is made pursuant to sections 66(3) or 58(7) before the initial period has expired.

The completed dealing must be lodged by hand at the Land Titles Office, Queen's Square, Sydney (adjacent to the Hyde Park Barracks) and must be accompanied by the relevant Certificate of Title for the Common Property.

If you have any questions about filling out this form, please call (02) 228-6666 and ask for Customer Services Branch.