

Hopetoun Quays
By-laws
Lot 3

SP 56649

Instrument setting out the terms of by-laws to be created upon registration of the strata plan for the strata scheme.

1 The Community Association

Community scheme

- 1.1 Hopetoun Quays is a community scheme. The Community Association is the primary management body for Hopetoun Quays, exercising control over the whole development.
- 1.2 The Owners Corporations in Hopetoun Quays are members of the Community Association. Owners Corporations may appoint a person to represent them on the Community Association.

Community management statement

- 1.3 A community management statement applies to Hopetoun Quays. This is a set of by-laws and plans that regulate the management and operation of the entire development. The community management statement informs owners and occupiers in Hopetoun Quays what they must do and must not do. It is an essential document for everyone who owns or occupies a lot.
- 1.4 Nothing in these by-laws gives you or the Owners Corporation consent to do something which is prohibited or regulated by the community management statement.
- 1.5 Wherever necessary, you must obtain consent under the community management statement even if you have already obtained consent under these by-laws.

2 Your Owners Corporation

These by-laws are about local issues affecting your Owners Corporation. You must comply with the by-laws and the community management statement if you:

- (a) own or lease a lot in the Strata Scheme;
 - (b) occupy a lot in the Strata Scheme; or
 - (c) are a mortgagee in possession of a lot in the Strata Scheme.
- 2.2 The Owners Corporation must also comply with these by-laws and the community management statement.

Req:R228958 /Doc:SP 0056649 P /Rev:19-Mar-1998 /Sts:OK.OK /Prt:05-Mar-2010 14:37 /Pgs:ALL /Seq:7 of 9
Ref:Debbie /Src:E

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3 Architectural and landscape standards

- 3.1 The Community Association may make architectural and landscape standards that apply to the Scheme and to Hopetoun Quays generally.
- 3.2 Architectural and landscape standards help to protect the architectural integrity of Hopetoun Quays. If any architectural and landscape standards are made by the Community Association, the Owners Corporation must comply with them.

4 Restricted Common Property

Exclusive use rights

- 4.1 According to the community management statement, the Owners Corporation grants the Community Association:
- (a) exclusive use of the Restricted Common Property; and
 - (b) a special privilege to control, manage, operate, maintain and replace the Restricted Common Property.

Obligations of the Owners Corporation

- 4.2 The Owners Corporation must:
- (a) pay its costs under this by-law on time; and
 - (b) give the Community Association access to the Restricted Common Property to allow the Community Association to comply with its obligations under this by-law.

Rights and obligations of the Community Association

- 4.3 The Community Association must:
- (a) control, manage, operate, maintain and replace Restricted Common Property according to this by-law;
 - (b) have consent from the Owners Corporation before it replaces Restricted Common Property;
 - (c) repair damage to Restricted Common Property (and any other property) caused by exercising rights under this by-law; and
 - (d) indemnify the Owners Corporation against all claims and liability caused by exercising rights under this by-law.

- 4.4 In addition to its powers under the Act, the Community Association has the power to enter into an agreement with a third party (eg the Building Manager) to exercise its rights and obligations under this by-law.

Paying for the Restricted Common Property

- 4.5 The Owners Corporation must reimburse the Community Association for its costs under this by-law.

- 4.6 The Community Association must give the Owners Corporation regular accounts for their costs under this by-law. The Community Association may:
- (a) include the account in notices for the Owners Corporation's administrative and sinking fund contributions; and
 - (b) require the Owners Corporation to pay its account in advance and quarterly (or for other periods reasonably determined by the Community Association).

5 Air Conditioning plant

- 5.1 The owner of a lot where the Air Conditioning servicing the lot is partly in the lot and partly in common property has the right of exclusive use and enjoyment of and a special privilege in respect of that Air Conditioning Plant on the following conditions:
- (a) the owner indemnifies the owners corporation against claims, demands and liability of any kind which may arise in respect of damage to any property or death or injury to any person arising out of the exercise of the rights conferred by this by-law or the owner's use of that Air Conditioning Plant; and
 - (b) the owner is responsible to comply with all requirements of any Governmental Agency in connection with that Air Conditioning Plant; and
 - (c) the owner is responsible for the running costs of that Air Conditioning Plant; and
 - (d) the owner is responsible for the proper maintenance and keeping in a state of good and serviceable repair that Air Conditioning Plant; and
 - (e) the owner is responsible for the renewal or replacement of that Air Conditioning Plant, if necessary.

6 Agreement with the Community Association

- 6.1 The Owners Corporation acknowledges that, under by-law 4.2.2 in the community management statement, the Community Association may:
- (a) enter into an agreement with the Manager to provide management and operational services for Hopetoun Quays;
 - (b) enter into the agreement with the Manager on its own behalf and on behalf of the Owners Corporation.
- 6.2 Details of the agreement with the Manager are set out in by-law 4.2.2 in the community management statement. Under by-law 4.2.2, the agreement may have provisions about the maintenance of Restricted

(Sheet 3 of 5 sheets)

Common Property and the operation of the Scheme and Hopetoun Quays generally.

- 6.3 In addition to its powers and functions under the Act, the Owners Corporation:
- (a) has the power to adopt the terms of an agreement entered into by the Community Association with the Manager on behalf of the Owners Corporation; and
 - (b) must adopt the terms of the agreement at its first general meeting.

7 Dictionary

- 7.1 In the by-laws:

Act is the Strata Schemes Management Act 1996.

Air Conditioning Plant means the air conditioning plant and associated pipes, wires, cables and ducts.

Common Property is common property in the Scheme.

Community Association is Community Association D.P. No. 270

community management statement is the management statement of the Community Association.

lot is a lot in the Scheme.

Manager is the person appointed by the Community Association under by-law 4.2 in the community management statement.

owner is:

- (a) the owner for the time being of a lot in the Scheme; and
- (b) if a lot is subdivided or resubdivided, the owner for the time being of the new lots.

Owners Corporation is the owners corporation created on registration of the strata plan accompanying these by-laws.

Hopetoun Quays is the land in DP

Restricted Common Property is:

- (a) Service Rooms designated as (f) on the Strata Plan;

Req: R228958 / Doc: SP 0056649 P / Rev: 19-Mar-1998 / Sts: OK.OK / Pgs: ALL / Seq: 9 of 9
Ref: Debbie / Src: E

- (b) all open space areas of Common Property outside a building in the Scheme;
- (c) all footpaths, gardens and landscaping and the access to those areas on Common Property whether within or outside a building in the Scheme; and
- (d) all Common Property rooms or areas in the Scheme that contain Services used by two or more strata schemes in Hopetoun Quays or one strata scheme and the Community Association.

Scheme is the strata scheme created on registration of the strata plan accompanying these by-laws.

you is an owner, occupier or mortgagee in possession of a lot in the Scheme.

7.2 Words that this by-law does not explain have the same meaning as they do in the Act.

7.3 A reference to:

- (a) a thing includes the whole or each part of it;
- (b) a document includes any variation or replacement of it;
- (c) a law, ordinance or code includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of them; and
- (d) a person includes their executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation) and assigns.

7.4 The singular includes the plural and vice versa.

7.5 Headings do not affect the interpretation of the by-laws.

THE COMMON SEAL of GREENCLIFF BIRCHGROVE PTY LIMITED was affixed in the presence of:

K.K. Leong
Director/Secretary
Name: KIK LEONG

Paul Barber
Director
Name: PAUL BARBER



Signed for and on behalf of
CITIBANK LIMITED (A.C.N. 612 325 000)
by its duly authorised sub-attornies
SUNDI PILLAY LOPO (A.C.N. 612 325 000)
PINKY PRASAD (A.C.N. 612 325 000)
pursuant to a Notice of Delegation Registered
Book No. 3571 No. 624 wherein the sub-attornies
were appointed pursuant to a Power of Attorney
Registered Book No. 3571 No. 245 in the Land
Titles of N.S.W. and the sub-attornies hereby
declare that they have no notice of revocation.
In the presence of:

I.D. O'Sullivan

Paul Barber
John...
(Sheet 5 of 5 sheets) *Paul Mc Cle...*

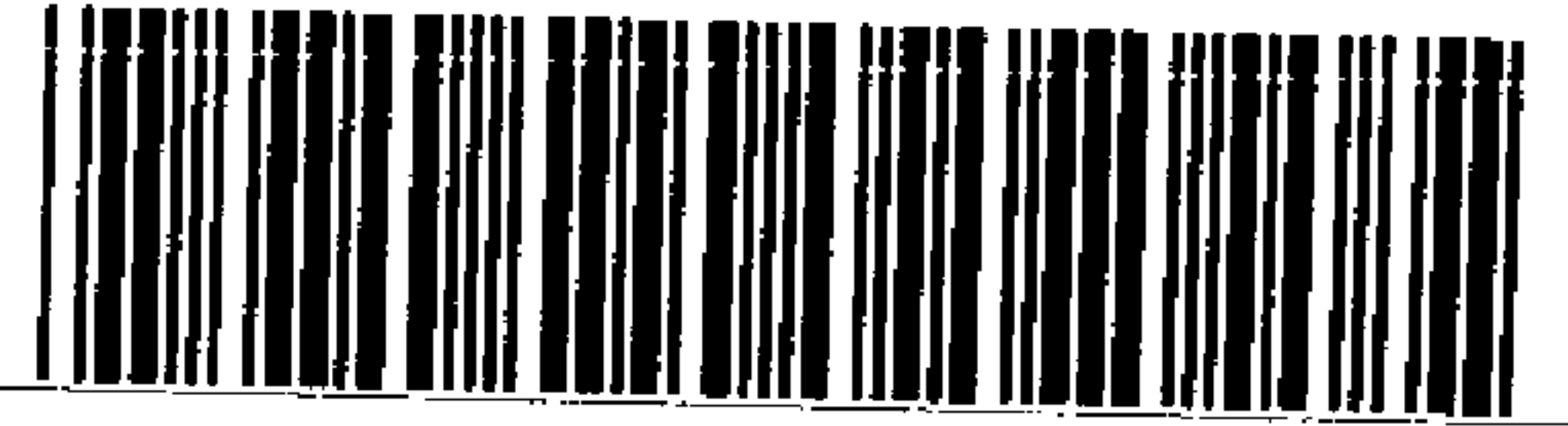
92 9-3-1998

7605223E

Form: 97-15CB
Licence: 1034A/404/96

CHANGE OF BY-L

New South Wales
Strata Schemes Management Act
Real Property Act 1900



(A) TORRENS TITLE CP/SP 56649

(B) LODGED BY	LTO Box	Name, Address or DX and Telephone	CB
	1034A	Blessington Judd, Solicitors DX 1068 SYDNEY Tel: 8267 6000 - Fax: 9267 2050 REFERENCE: 10763 BL	

(C) The Owners-Strata Plan No. 56649 certify that pursuant to a resolution passed on 27 February 2001 and in accordance with the provisions of -

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

the by-laws are changed as follows:

(E) Repealed by law No. _____
 Added by-law No. SPECIAL BY-LAW NO. 1
 Amended by law No. _____ as fully set out below.

SPECIAL BY-LAW No. 1

BY-LAW FOR WORKS

PREAMBLE

Note that the passing of this By-law does not remove the necessity for Owners to request approval of Works. The approvals authority continues to be the Executive Committee of the Community Association following consent and any recommendations made in respect of your application, by your Strata Plan Executive Committee to whom application must be made for all building modifications.

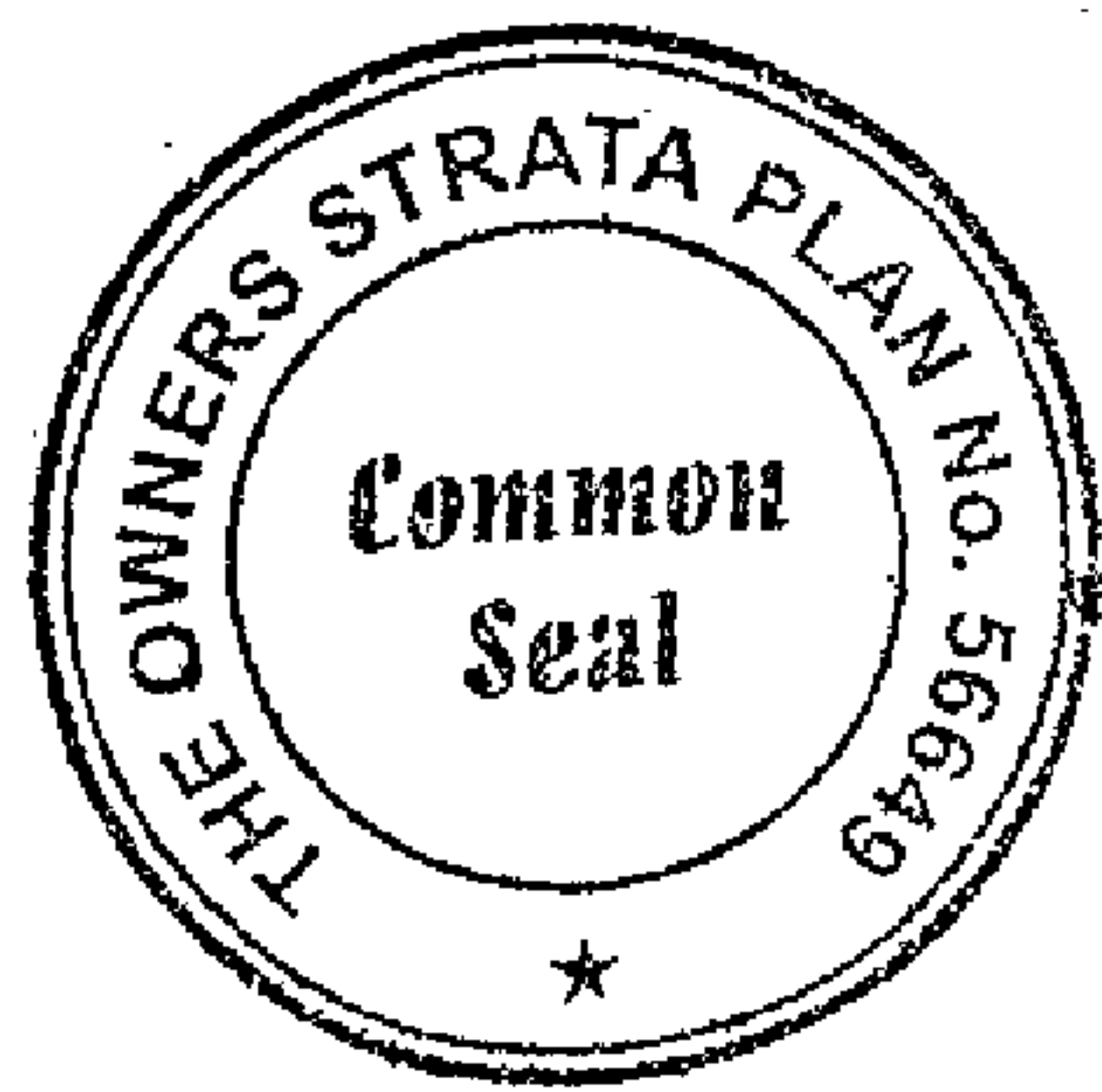
(See Annexure)

(F) The common seal of the Owners-Strata Plan No. 56649 was affixed on 25/01/01 in the presence of

Signature(s) Debbie Richards

Name(s) [use block letters] DEBBIE RICHARDS

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



Checked by (LTO use) el

ANNEXURE TO CHANGE OF BY-LAWS

1. DEFINITIONS

i) The following terms are defined to mean:

“Owners” means all of the lot owners of Strata Plan 56649.

“Community Association” means the Proprietor Community Association DP 270149.

“Works” means any alteration or addition sought to be made by the owner.

ii) Where any terms used in this by-law are defined in the Strata Schemes Management Act 1996, they will have the same meaning as those words are attributed under that Act.

2. RIGHTS

iii) Despite by law 5 of Schedule One of the Strata Schemes Management Act 1996 and subject to the conditions in paragraph 3 of this by law, Owners may install and maintain the Works.

3. CONDITIONS

Maintenance

iv) The owner must properly maintain and keep the common property to which the Works are attached in a state of good and serviceable repair.

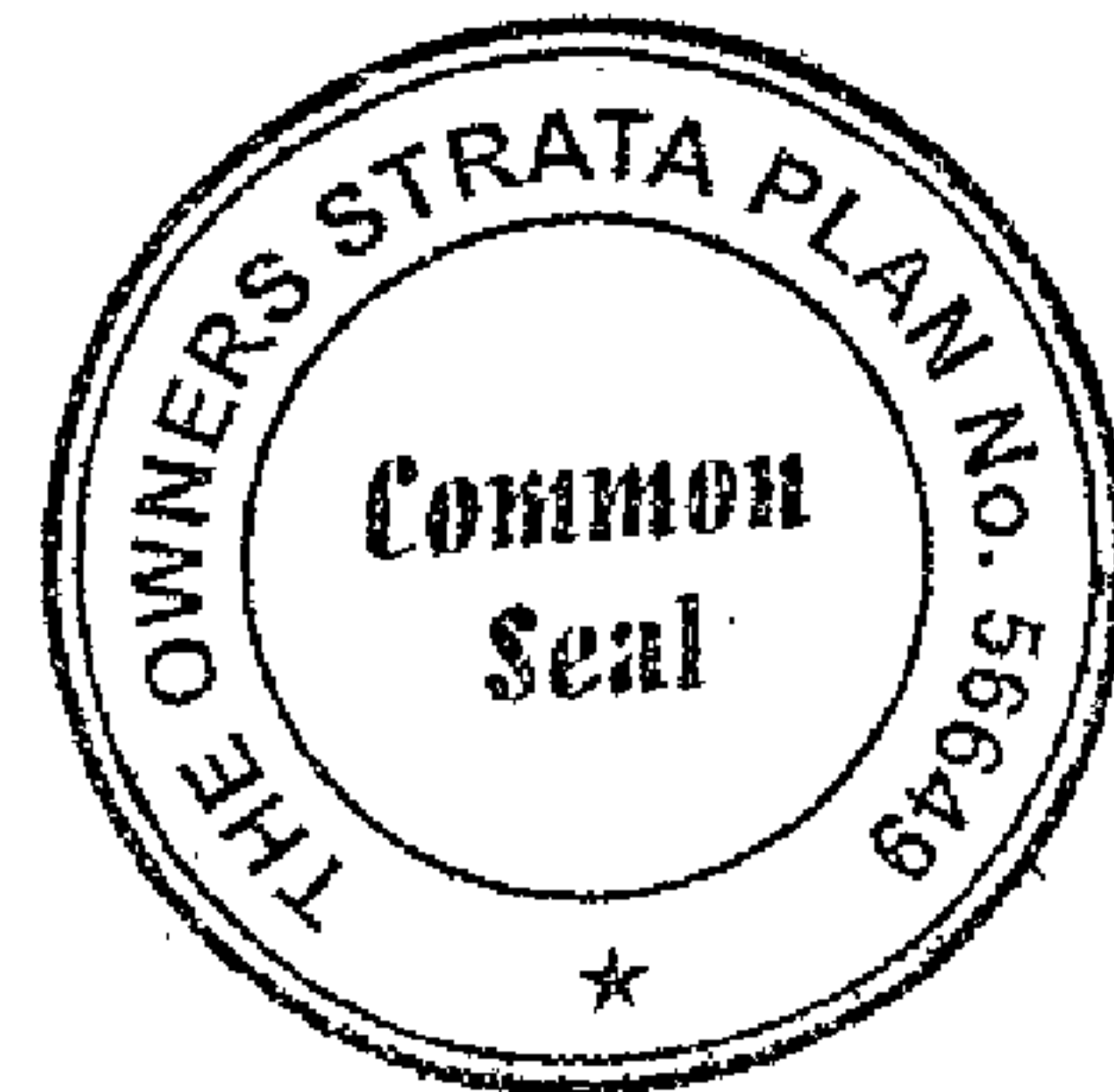
v) The owner must properly maintain and keep the Works in a state of good and serviceable repair and must replace the Works as required from time to time.

The common seal of the Owners-Strata Plan No. 56649
was affixed on 2/10/01..... in the presence of

Signature(s) Debbie Richards.....

Name(s) [use block letters] DEBBIE RICHARDS

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



Further Consents

- vi) Before carrying out the Works, the Owners must obtain the prior written consent of the Owners Corporation (or its Executive Committee) and the approval of Community Association (or its Executive Committee).
- vii) The Owners Corporation or its Executive Committee shall consider any application for approval of any Work and if the application satisfies the criteria of clause 3 hereof, shall recommend approval to the Community Association of the application upon such terms as it may consider appropriate.
- viii) The Owners Corporation or its Executive Committee may delegate to a sub committee of the Executive Committee, comprising no more than 4 persons, the function of investigating and reporting to the Executive Committee in relation to any application for any works and may make any such recommendation to the Executive Committee as may be appropriate.
- ix) The Owners Corporation shall endeavour but shall not be required to consider and make recommendations in respect of any application relating to any works within sixty (60) days of receipt of the written application to that effect from an Owner.
- x) The Owners Corporation in respect of any application previously made to it since its inception for approval of any works, hereby:
 - a) revokes any such approvals given;
 - b) resolves not to challenge the right of any owner to have made any such application for approval of any works approved to date; and
 - c) undertakes simultaneously to seek approval of any such applications made to the Owners Corporation, from the Community Association.

Style and Design

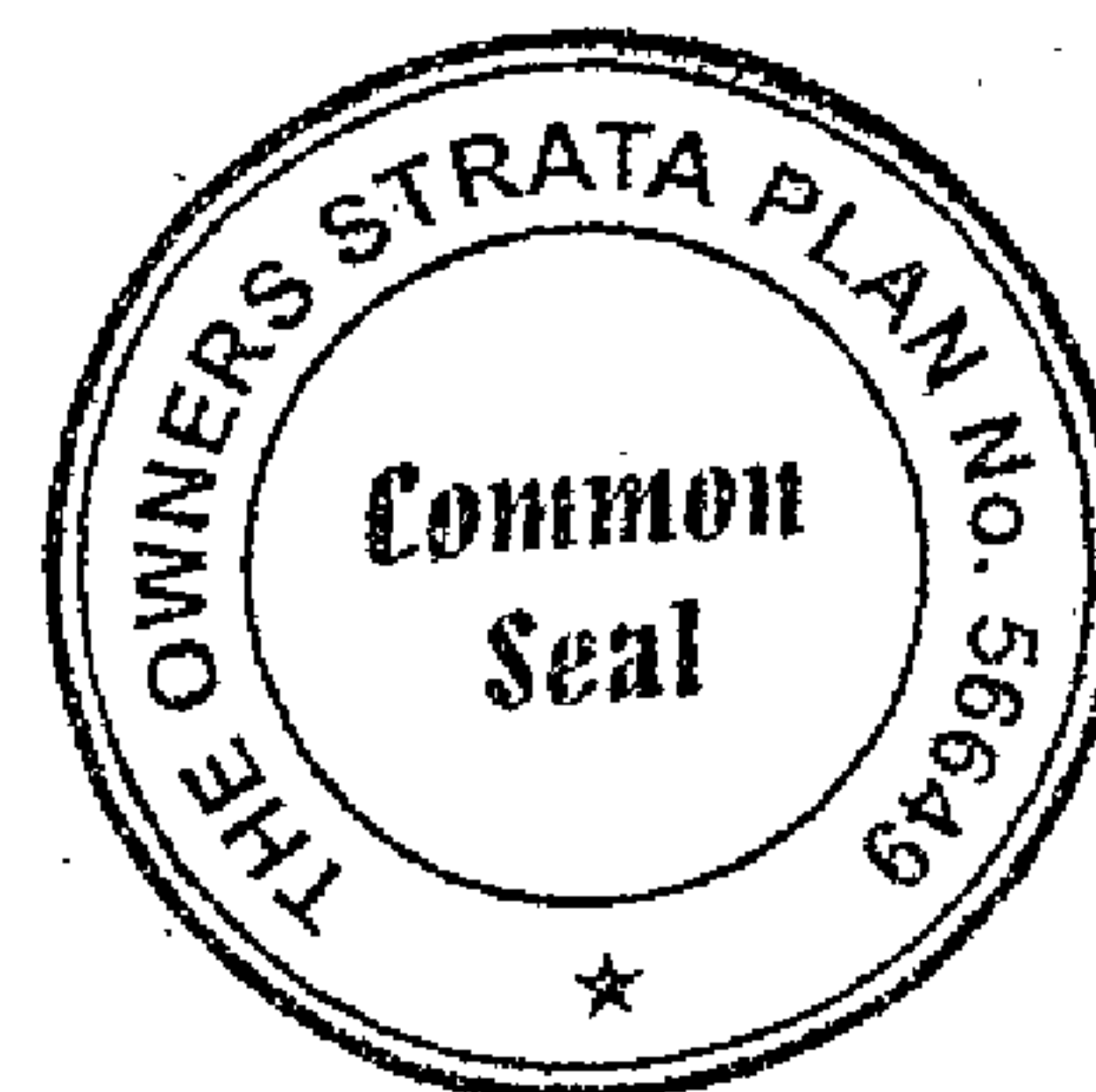
- xi) When carrying out the Works, the Owners must ensure the Works:
 - a) are in keeping with the overall appearance of the building; and
 - b) are of a style, design, colour and specification as approved by the Community Association (or its Executive Committee) from time to time.

The common seal of the Owners-Strata Plan No. 56649 was affixed on 2/10/01 in the presence of

Signature(s) Debbie Richards

Name(s) [use block letters] DEBBIE RICHARDS

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



Performance of the Works

- xii) When carrying out the Works, the Owners must:
 - a) protect all areas of the building outside their lots from damage from carrying out the Works;
 - b) keep all areas of the building outside their lots clean and tidy when carrying out the Works;
 - c) remove all debris resulting from the Works immediately from the lot; and
 - d) comply with the requirements of the Owners Corporation and of the Community Association to comply with any other by-laws concerning the installation of the Works.

Liability

- xiii) The Owners will be liable for any damage caused to any part of the common property as a result of the Works and will make good that damage immediately after it has occurred.

Indemnity

- xiv) The Owners must indemnify the Owners Corporation against any loss or damage the Owners Corporation suffers as a result of carrying out the Works on the common property including liability under section 65(6) in respect of any property of the owners.

Cost of Works

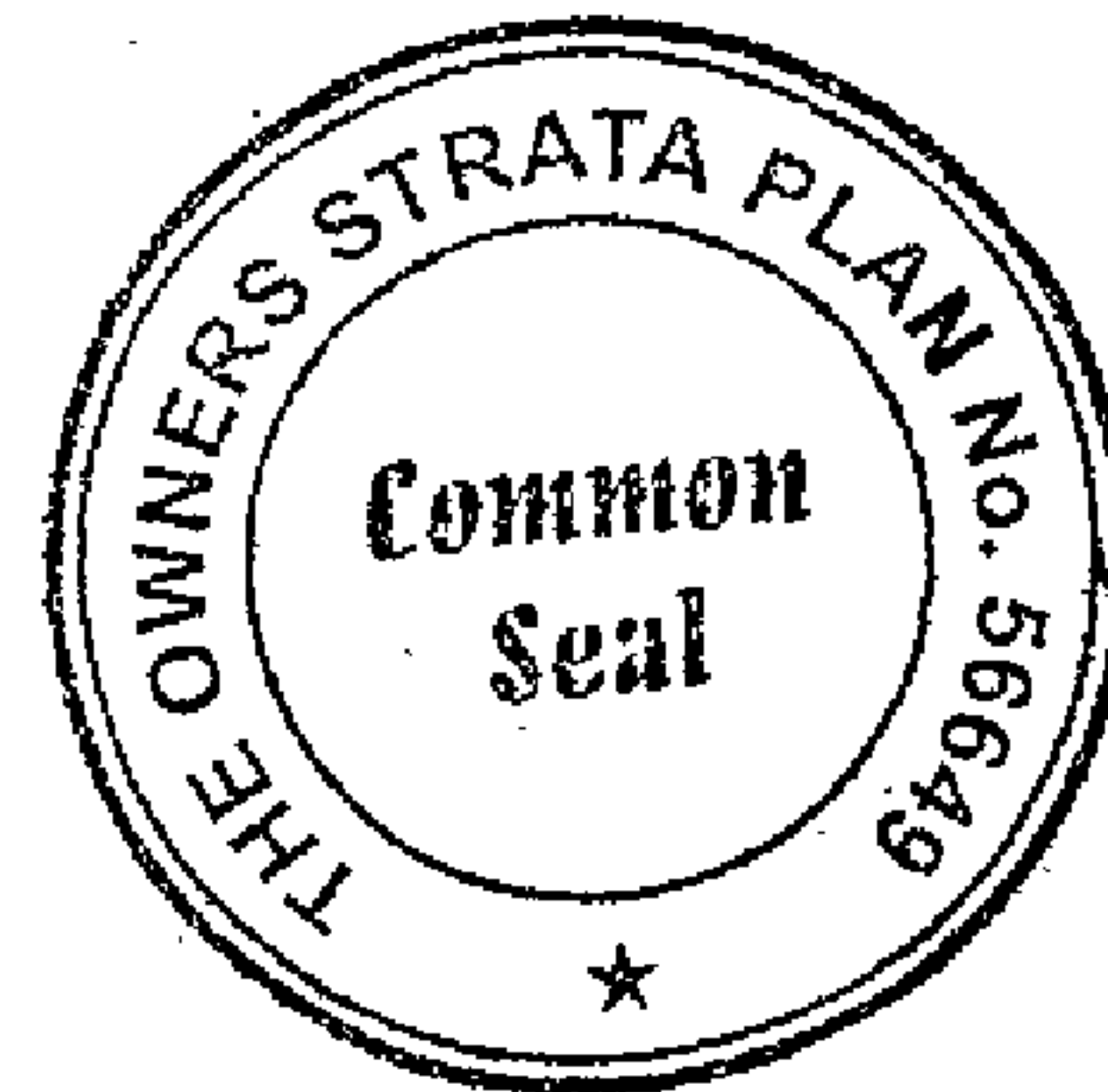
- xv) The construction, installation, maintenance and repair of the Works will be at the cost of the Owners.

The common seal of the Owners-Strata Plan No. 56649
was affixed on 8/10/01 in the presence of

Signature(s) Debbie Richards

Name(s) [use block letters] DEBBIE RICHARDS

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



Licensed Contractor

xvi) The Works shall be done:

- a) in a proper and workmanlike manner and by duly licensed contractors; and
- b) in accordance with the drawings and specifications required to be approved by the local council, all applicable regulatory authorities and the Community Association. The owner is required to obtain all and any necessary Council or Other Regulatory Body approvals or certificates.

Owners' Fixtures

xvii) The Works shall remain the Owners's fixtures.

Right to Remedy Default

xviii) If the owner fails to comply with any obligation under this by-law, THEN the Community Association or at its request the Owners Corporation may:

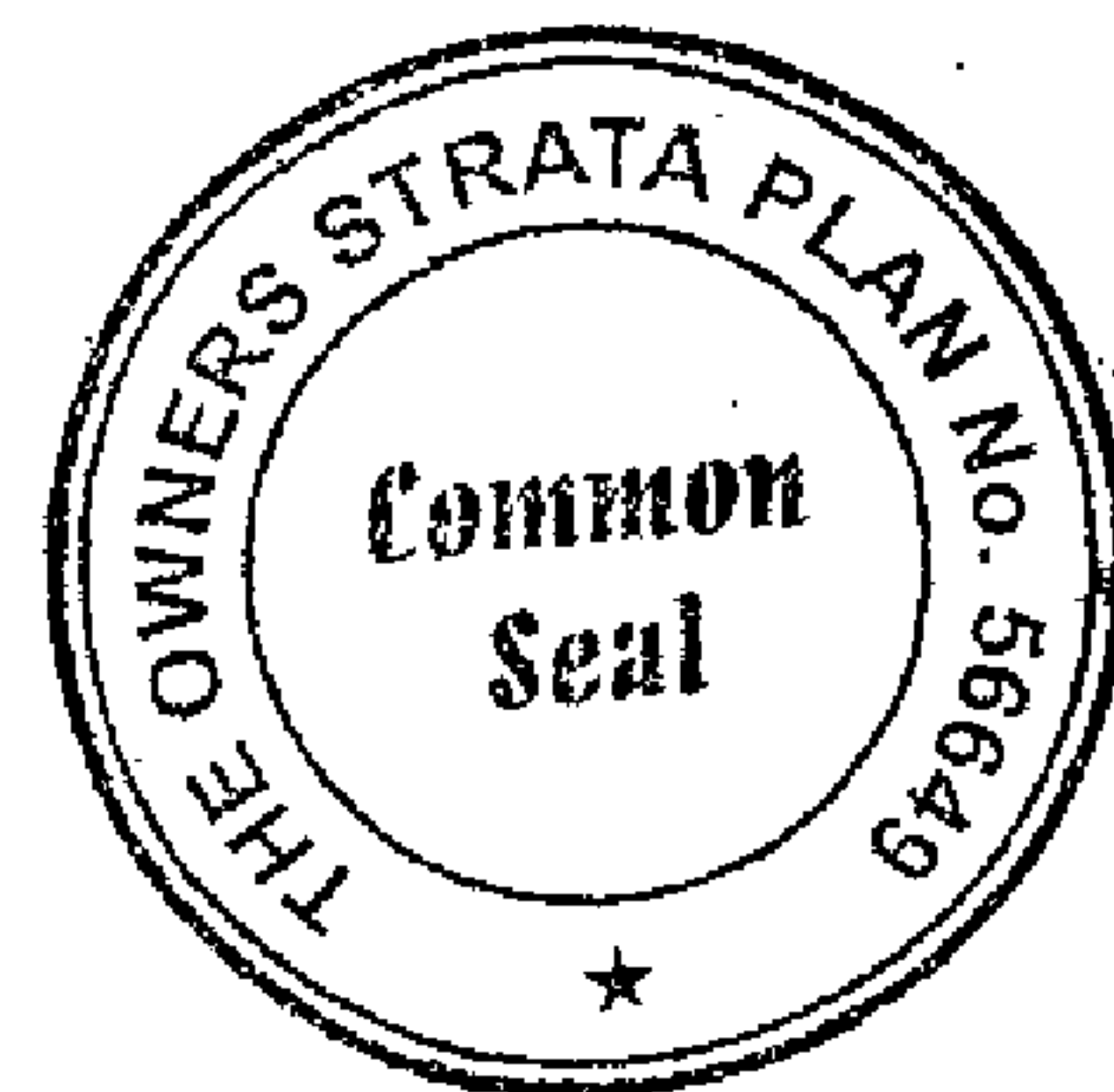
- a) carry out all work necessary to perform that obligation;
- b) enter upon any part of the parcel to carry out that work; and
- c) recover the costs of carrying out that work from the defaulting Owners.

The common seal of the Owners-Strata Plan No. 56649
was affixed on 8/5/01 in the presence of

Signature(s) Debbie Richards

Name(s) [use block letters] DEBBIE RICHARDS

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



memo



AD292219H

Form: 1SCB
Release: 2.2
www.lands.nsw.gov.au

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

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.

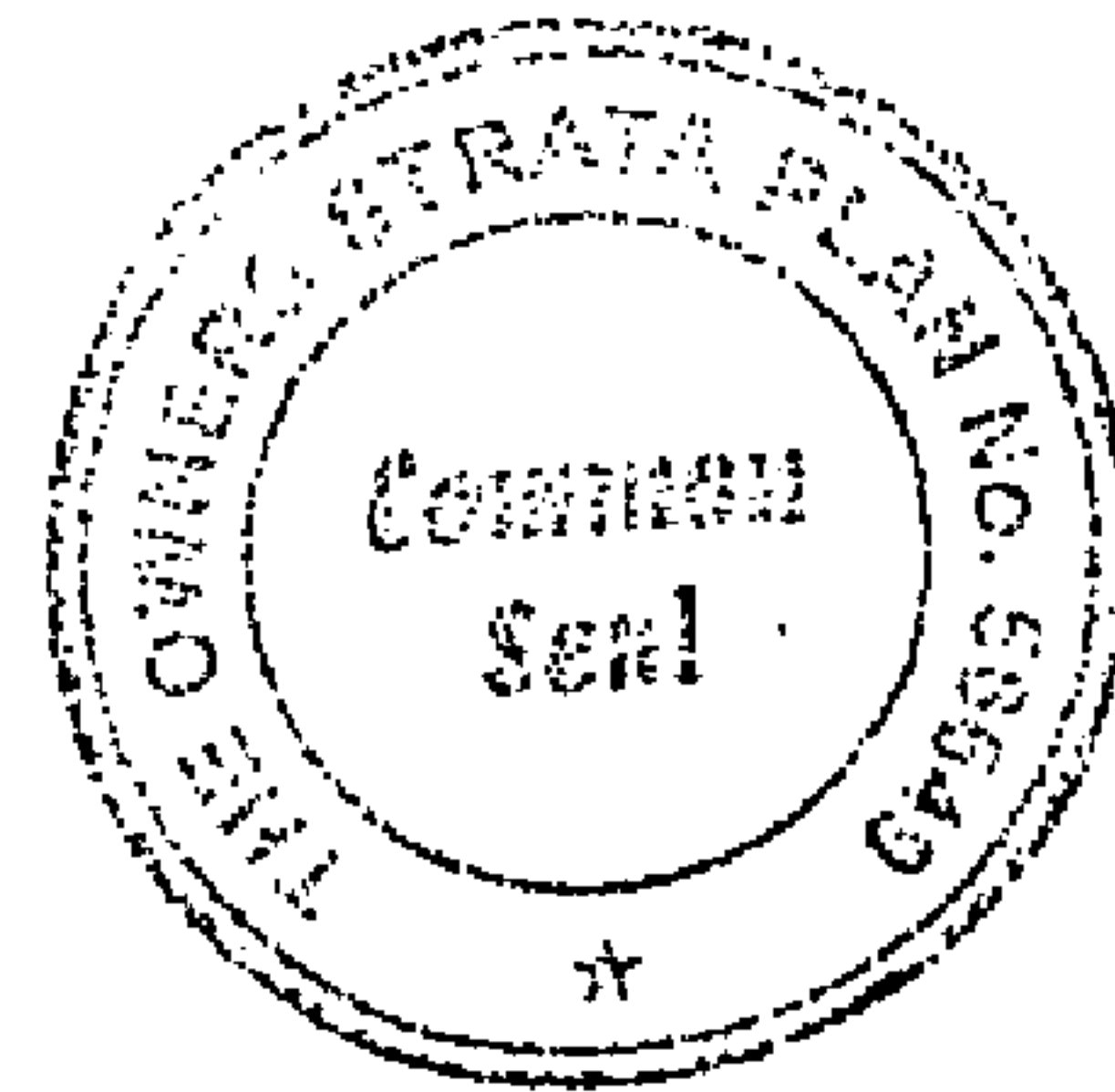
(A) TORRENS TITLE

For the common property CP/SP56649

(B) LODGED BY

Document Collection Box 312D	Name, Address or DX, Telephone, and LLPN if any Law agents 1232024	CODE CB
Reference: DB-SP56649-7058 Banner / SP56649		

- (C) The Owners-Strata Plan No. 56649 certify that pursuant to a resolution passed on 01 June 2007 and
- (D) in accordance with the provisions of section No. 52 of the Strata Schemes Management Act 1996 the by-laws are changed as follows—
- (E) Repealed by-law No. NOT APPLICABLE
Added by-law No. Special by-law 2
Amended by-law No. NOT APPLICABLE
as fully set out below:
- Please see Annexure A



(F) The common seal of the Owners-Strata Plan No. 56649 was affixed on 1 July 07 in the presence of—

Signature(s): *D Richards*
Name(s): DOBBIE RICHARDS

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:

Annexure A

The Owners - Strata Plan No. 56649 **SPECIALLY RESOLVED** pursuant to section 52 of the *Strata Schemes Management Act 1996* to make special by-law 2 being the following:

Special by-law 2

DEFINITIONS AND INTERPRETATION

1. In this by-law, unless the context otherwise requires or permits:
 - a) **Authority** means any government, semi government, statutory, public, community association or other authority having any jurisdiction over the lot.
 - b) **Owner** means the owner of the lot from time to time.
 - c) **Owners Corporation** means the owners corporation created by the registration of strata plan registration number 56649.
 - d) **Special Privilege Area** means the common property area required to install a floor and ceiling in the area where the central brick pier was removed whilst undertaking the Works.
 - e) **Works** means removal of the central brick pier to the balcony edge beam between the lower level and the middle level in the manner set out in the attached report dated 4 May 2006 from ConsultHans Pty Ltd and the works to install a floor and ceiling in the area where the central brick pier was located.
2. In this by-law, unless the context otherwise requires, a word which denotes:
 - a) the singular includes plural and vice versa;
 - b) any gender includes the other genders;
 - c) any terms in the by-law will have the same meaning as those defined in the *Strata Schemes Management Act 1996*;
 - d) anything the Owner is required or permitted to do under this by-law is to be at the Owner's cost; and
 - e) references to legislation includes references to amending and replacing legislation.

GRANT OF RIGHTS

3. Subject to an Owner's compliance with clauses 5, 6 and 7 of this by-law each Owner is granted the right to undertake the Works in the Special Privilege Area corresponding with their lot.
4. In relation to the removal of the central brick pier already undertaken at the time of the making of this by-law, this by-law applies as if the Works were undertaken by the Owner benefited by those Works in accordance with clauses 5, 6 and 7 of this by-law.

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CONDITIONS

5. Before commencement of the Works each Owner must:
 - a) obtain all necessary approvals from any Authorities and provide a copy to the Owners Corporation;
 - b) provide the Owners Corporation's nominated representative(s) access to inspect the lot within 48 hours of any request from the Owners Corporation; and
 - c) obtain approval for the Works from the Owners Corporation.
6. Whilst the Works are in progress each Owner must:
 - a) use duly licensed employees, contractors or agents to conduct the Works and supply their contact details before each of them commences their work;
 - b) ensure the Works are conducted in a proper and workmanlike manner;
 - c) install an appropriate prop such as an Acrow Prop under the balcony edge beam on either side of the brick pier prior to the commencement of any demolition work to ensure that adequate safety is maintained as set out in the report from ConsultHans Pty Ltd;
 - d) use reasonable endeavours to cause as little disruption as possible;
 - e) perform the Works during times reasonably approved by the Owners Corporation;
 - f) perform the Works within a period of 1 month from their commencement or such other period as reasonably approved by the Owners Corporation;
 - g) transport all construction materials, equipment and debris in the manner reasonably directed by the Owners Corporation;
 - h) protect all affected areas of the building outside the lot from damage relating to the Works or the transportation of construction materials, equipment and debris;
 - i) ensure that the Works do not interfere with or damage the common property or the property of any other lot owner other than as approved in this by-law and if this happens the Owner must rectify that interference or damage within a reasonable period of time;
 - j) indemnify the Owners Corporation against any costs or losses associated with the installation of the Works, excluding any liability under section 65(6) of the Strata Schemes Management Act 1996;
 - k) provide the Owners Corporation's nominated representative(s) access to inspect the lot within 24 hours of any request from the Owners Corporation (for clarity more than one inspection may be required); and
 - l) not vary the Works without first obtaining the consent in writing from the Owners Corporation.
7. After the Works have been completed each Owner must without unreasonable delay:
 - a) notify the Owners Corporation that the Works have been completed;
 - b) notify the Owners Corporation that all damage, if any, to lot and common property caused

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by the Works and not permitted by this by-law have been rectified;

- c) provide the Owners Corporation with a copy of any certificate or certification required by an Authority to approve the Works;
 - d) provide the Owners Corporation with certification from a suitably qualified engineer(s) approved by the Owners Corporation that the Works or works required to rectify any damage to lot or common property have been completed in accordance with the terms of this by-law;
 - e) provide the Owners Corporation's nominated representative(s) access to inspect the lot within 48 hours of any request from the Owners Corporation to check compliance with this by-law or any consents provided under this by-law; and
 - f) the Owners Corporation's right to access the lot arising under this by-law expires once it is reasonably satisfied that paragraphs (a) to (e) immediately above have been complied with.
8. In respect of the Works and Special Privilege Area corresponding to their lot each Owner:
- a) must maintain and upkeep the Works;
 - b) must maintain and upkeep the Special Privilege Area;
 - c) remains liable for any damage to lot or common property arising out of the Works;
 - d) must make good any damage to lot or common property arising out of the Works;
 - e) must comply with any notice or order issued by an Authority in respect of the Works; and
 - f) must indemnify the Owners Corporation against any costs or losses arising out of the Works, excluding any liability under section 65(6) of the Strata Schemes Management Act 1996 in respect of the property of the Owner.

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BOX 1W
(AF854305)



TORRENS TITLE REFERENCE	
CP/SP56649	
EDITION	DATE OF ISSUE
4	4/11/2010
CERTIFICATE AUTHENTICATION CODE	
DYWW-X7-5N56	



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900

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 Williams
REGISTRAR GENERAL



LAND

THE COMMON PROPERTY IN THE STRATA SCHEME BASED ON STRATA PLAN 56649
WITHIN THE PARCEL SHOWN IN THE TITLE DIAGRAM

AT BIRCHGROVE.
LOCAL GOVERNMENT AREA: LEICHHARDT.
PARISH OF PETERSHAM COUNTY OF CUMBERLAND
TITLE DIAGRAM: SHEET 1 SP56649

FIRST SCHEDULE

THE OWNERS - STRATA PLAN NO. 56649
ADDRESS FOR SERVICE OF NOTICES:
C/- BCS STRATA MANAGEMENT
LOCKED BAG 22
HAYMARKET
NSW 1238

SECOND SCHEDULE

1. RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2. THIS STRATA PLAN FORMS PART OF A COMMUNITY SCHEME - SEE INTERESTS RECORDED ON REGISTER FOLIO 1/270149
3. LAND EXCLUDES MINERALS AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM - SEE CROWN GRANT
4. LAND EXCLUDES MINERALS AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM - SEE MEMORANDUM S700000A
5. 109793 EASEMENT FOR DRAINAGE AND SEWERAGE 1.83 WIDE AFFECTING THE PART SHOWN SO BURDENED IN THE TITLE DIAGRAM
6. DP873876 RIGHT OF FOOTWAY VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
7. DP873876 RIGHT OF ACCESS FOR MAINTENANCE 1 WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
8. DP873876 EASEMENT FOR OVERHANG 0.35 WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
9. DP873876 EASEMENT TO DRAIN STORMWATER OVER EXISTING LINE OF PIPES AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
10. DP270149 EASEMENT FOR DRAINAGE OF WATER (LIMITED IN HEIGHT) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
11. DP270149 EASEMENT FOR SERVICES (H) VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
12. ATTENTION IS DIRECTED TO THE STRATA SCHEME BY-LAWS FILED WITH

END OF PAGE 1 CONTINUED OVER

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

BOX 1W
(AF854305)



TORRENS TITLE REFERENCE

CP/SP56649

EDITION

DATE OF ISSUE

4

4/11/2010

CERTIFICATE AUTHENTICATION CODE

DYWW-X7-5N56

PAGE 2



NEW SOUTH WALES
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900

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



SECOND SCHEDULE (CONTINUED)

THE STRATA PLAN

- 13. 7605223 CHANGE OF BY-LAWS
- 14. AD292219 CHANGE OF BY-LAWS

SCHEDULE OF UNIT ENTITLEMENT (AGGREGATE: 10000)

STRATA PLAN 56649

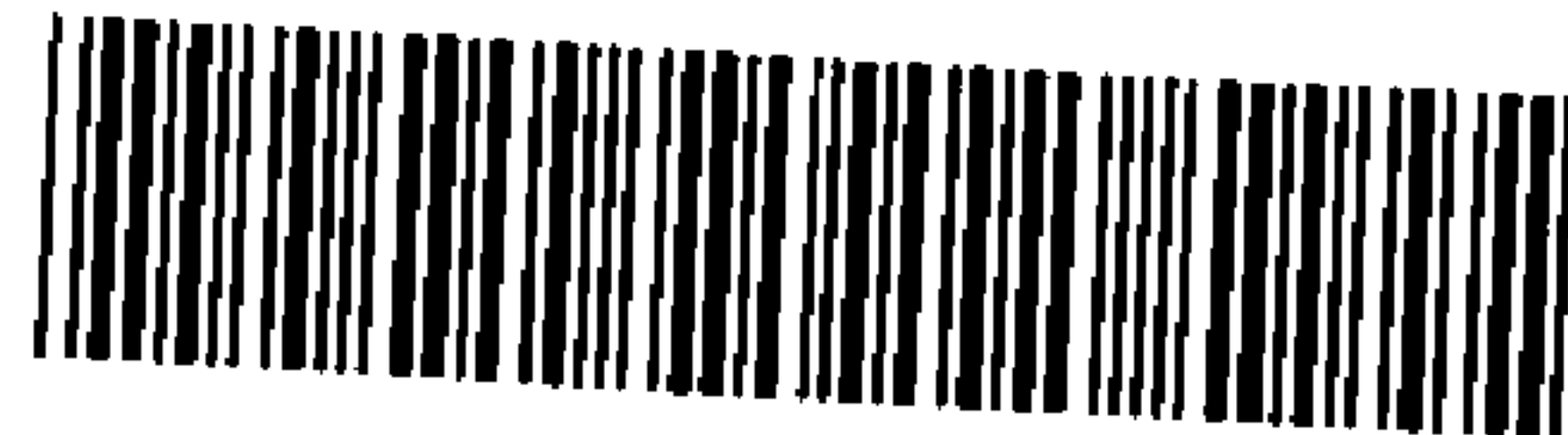
LOT	ENT	LOT	ENT	LOT	ENT	LOT	ENT
1	- 833	2	- 812	3	- 791	4	- 791
5	- 781	6	- 781	7	- 765	8	- 781
9	- 786	10	- 786	11	- 415	12	- 182
13	- 520	14	- 312	15	- 302	16	- 344
17	- 16	18	- 2				

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).

Form: 15CB
Release: 3.0
www.lpma.nsw.gov.au

CHANGE OF BY-LAW
New South Wales
Strata Schemes Management Act
Real Property Act 1900



AG972930A

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect information 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/SP 56649	
(B) LODGED BY	Document Collection Box 495R	Name, Address or DX, Telephone, and Customer Account Number if any LLPN: 123354Y BY-LAW EXPRESS GPO BOX 751, SYDNEY NSW 2001 PHONE: 9252 0107 Reference: _____
	CODE CB	

- (C) The Owners-Strata Plan No. 56649 certify that pursuant to a resolution passed on 03 April 2012 and
 (D) in accordance with the provisions of Section 47 of the Strata Schemes Management Act 1996
 the by-laws are changed as follows—
 (E) Repealed by-law No. NOT APPLICABLE
 Added by-law No. Special By-laws 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. 56649 was affixed on 30 April 2012 in the presence of—

Signature(s):

Name(s): DELISHIA LEANAGE

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 56649
ANNEXURE TO NOTIFICATION OF BY-LAWS

SPECIAL BY-LAW 3 - Electronic Delivery of Notices

A document or notice may be served by the Owners Corporation, its secretary or executive committee on the owner of a lot by electronic means if the person has given the owners corporation an email address for the service of notices and the document is sent to that address. A notice or document served on an owner by email in accordance with this by-law is deemed to have been served when transmitted by the sender providing that the sender does not receive an electronic notification of unsuccessful transmission (i.e. "bounce back" or "undeliverable") within 24 hours.

SPECIAL BY-LAW 4 - Installation of Solar Panels and Photovoltaic Systems

(1) Right to Install Solar Panels and Photovoltaic Systems

On the conditions set out in this by-law and only on satisfying those conditions, an owner of a lot shall be entitled to install solar panels and/or photovoltaic systems on the common property roof above that lot and to connect those solar panels or photovoltaic systems by means of wires, pipes and conduit through the roof space above the lot and the ceiling of the lot to a hot water system installed in the lot or to energy storage systems installed in the lot, the strata scheme or the electricity grid as applicable.

(2) Definitions

In this by-law, the following words and phrases have the following meanings:

Contractor means the principal contractor responsible for carrying out the Works;

Lot means a lot in respect of which Works are carried out pursuant to this by-law;

Owner means the owner of a Lot;

Scheme Executive Committee means the executive committee for the Scheme;

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presence of

Names: DELISHIA LEANAGE

Signatures: _____

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Works means the installation of a solar panel or solar panels and/or photovoltaic systems on the common property roof above the Owner s Lot including the connection of those solar panels and/or that photovoltaic system or systems, by means of wires, pipes and conduit through the common property roof space and the penetration of the ceiling above the Lot, to a hot water system installed in the Lot and/or to an energy storage system installed in the Lot, elsewhere in the strata scheme or to the electricity grid as appropriate and, to the extent that the installation of the hot water system or the photovoltaic system involves the penetration of Common Property walls or slabs in the Lot, Works includes that installation work;

Where a word or phrase used in this by-law is defined in or for the purposes of the Strata Schemes Management Act 1996 or in the Community Management Statement, that word or phrase has the same meaning when used in this by-law.

(3) Conditions

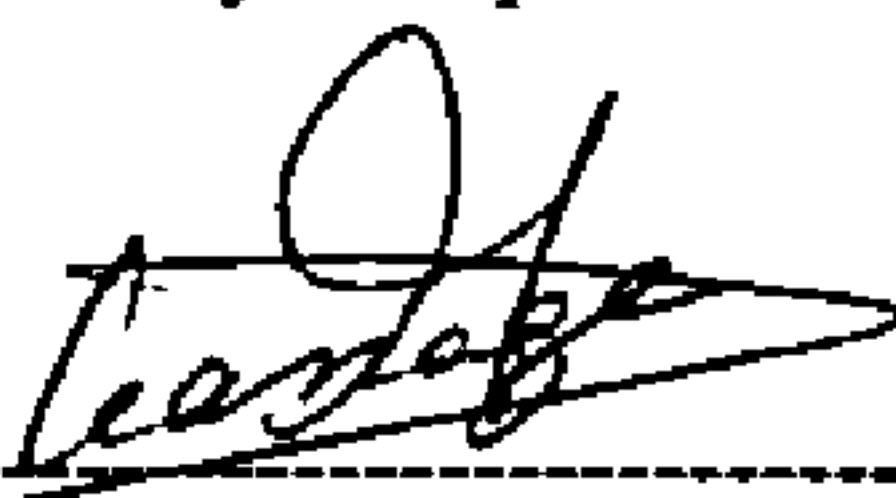
(a) Prior to Carrying Out the Works

(i) At least six weeks prior to carrying out any of the Works, the Owner must notify the Scheme Executive Committee in writing of the Owner s intention to do so including in or with that notice:

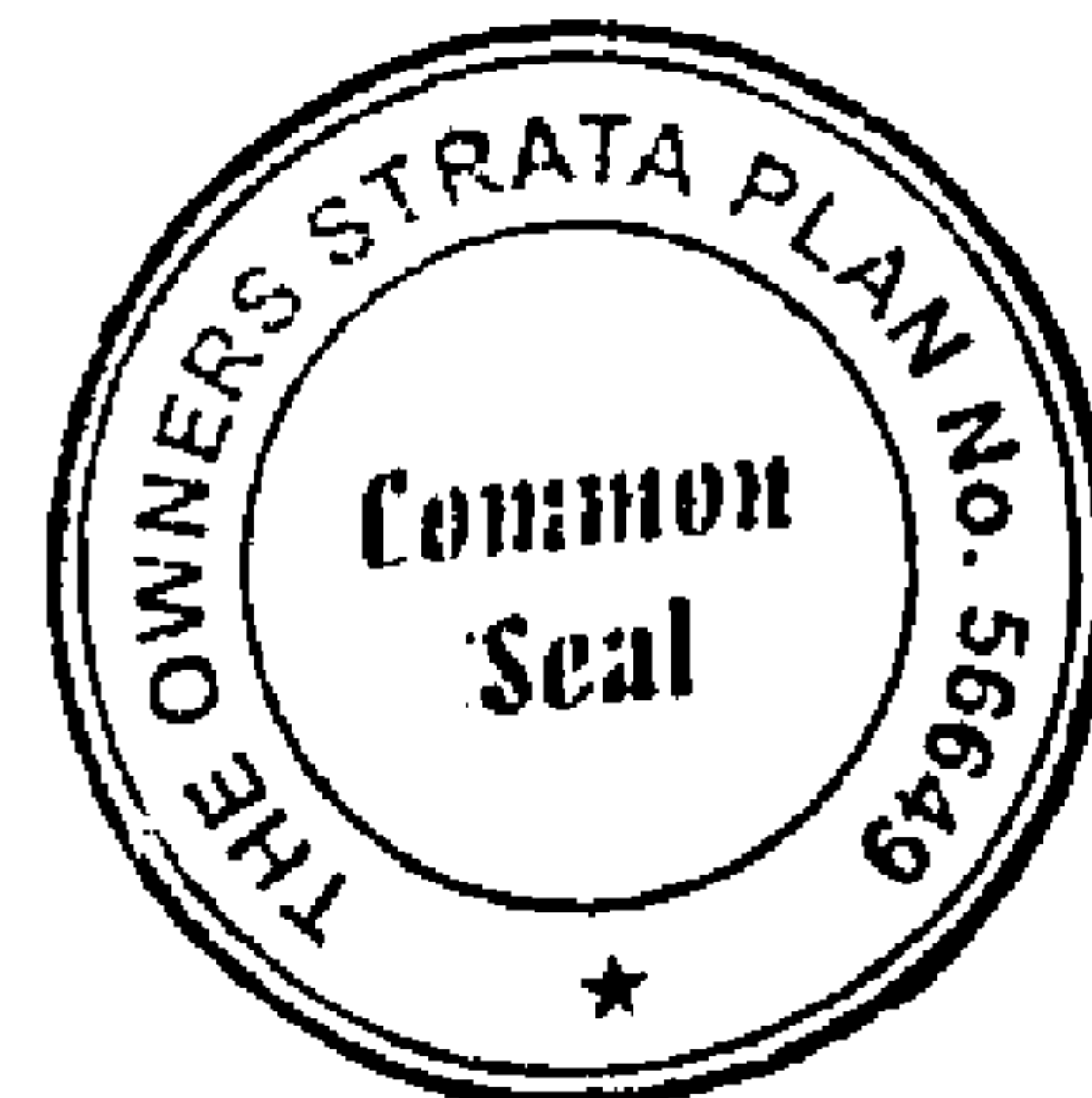
- A. the full name and contact details of the Owner and the number of the Lot;
- B. a copy of the plans, drawings and specifications for the Works, which plans must provide sufficient information to enable the Scheme Executive Committee to determine whether and how the Works comply with the requirements of the Architectural Standards in force in respect of the Community Association;
- C. the name, contact and licence details of the Contractor;
- D. the certificate of currency of the insurance policy or policies of the Contractor which is effected with a reputable insurance company reasonably acceptable to the Scheme Executive Committee for:
 - (I) contractor's all risk insurance incorporating public liability insurance in an amount of not less than \$10,000,000;
 - (II) any insurance required in respect of the Works under Section 92 of the Home Building Act 1989; and

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- (III) workers compensation in accordance with applicable legislation;

 - E. a materials handling plan describing the proposed method of transporting construction materials, equipment, debris and other materials associated with the Works over Common Property;

 - F. the intended timetable for performance of the Works;

 - G. a copy of that part of any Development Control Plan then in force in respect of the Leichhardt municipality dealing with the installation of solar panels and photovoltaic systems;

 - H. the written consent of the Owner in the form specified by the Scheme Executive Committee to complying with and being bound by the provisions of this by-law; and on the basis of the foregoing, obtain the consent of the Scheme Executive Committee (acting reasonably) to the Works being undertaken.
- (ii) The Executive Committee must not give consent to the Works being undertaken unless the Works:
- A. do not provide for the installation of any tanks on the roof or within the roof space of the building;

 - B. provide for the installation of solar panels or photovoltaic systems having substantially the same appearance after installation as solar panels or photovoltaic systems already installed on other buildings within the Community Association in order to maintain visual consistency;

 - C. do not impede the water views of Owners and Occupiers existing prior to the installation of the Works;

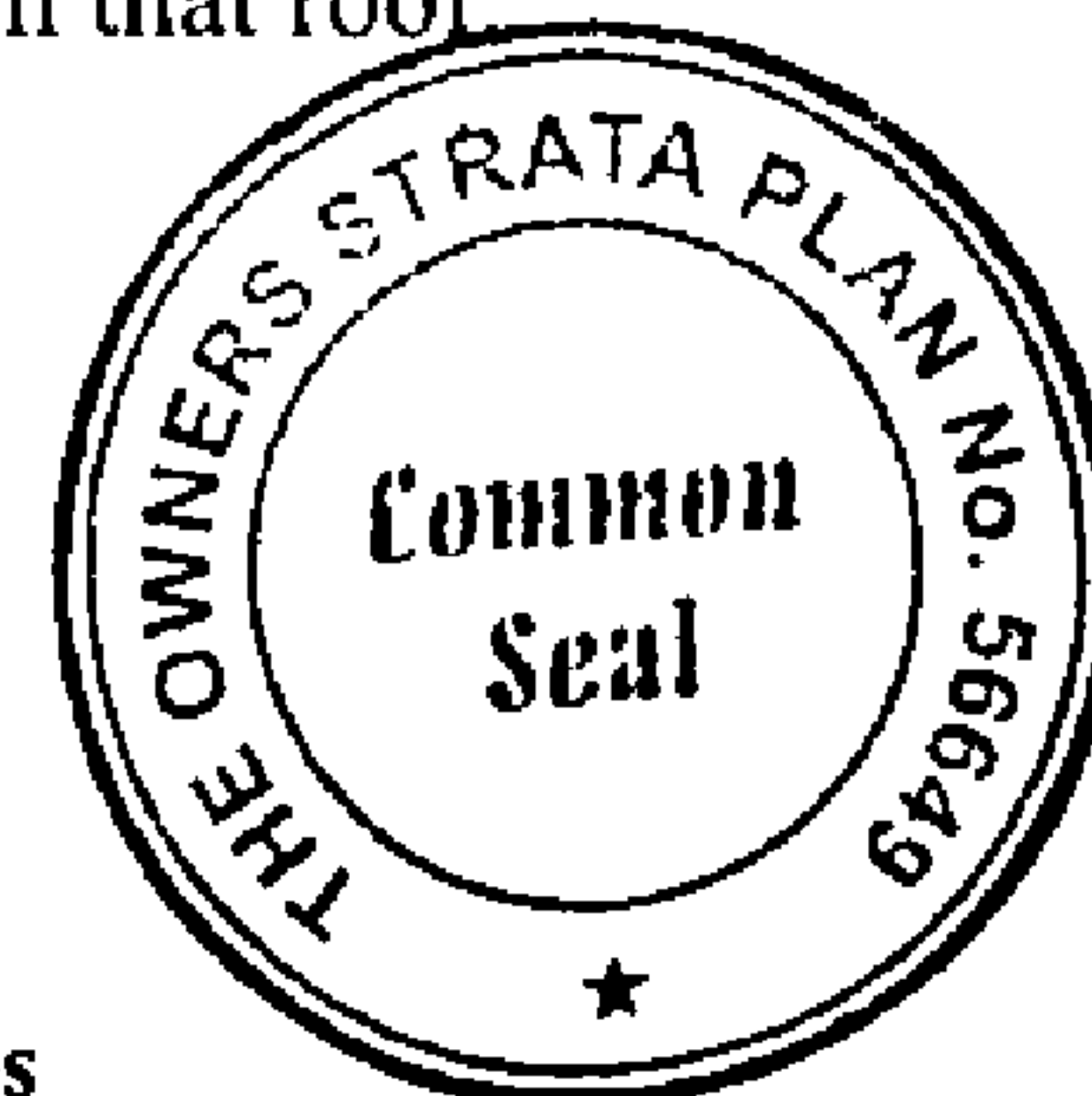
 - D. are located in a position on the roof of the building that minimises visual impact and maximises the potential for future installations of other solar panels or photovoltaic systems; and

 - E. are to be located below any ridgeline and are consistent with any adjoining or adjacent installations on that roof.

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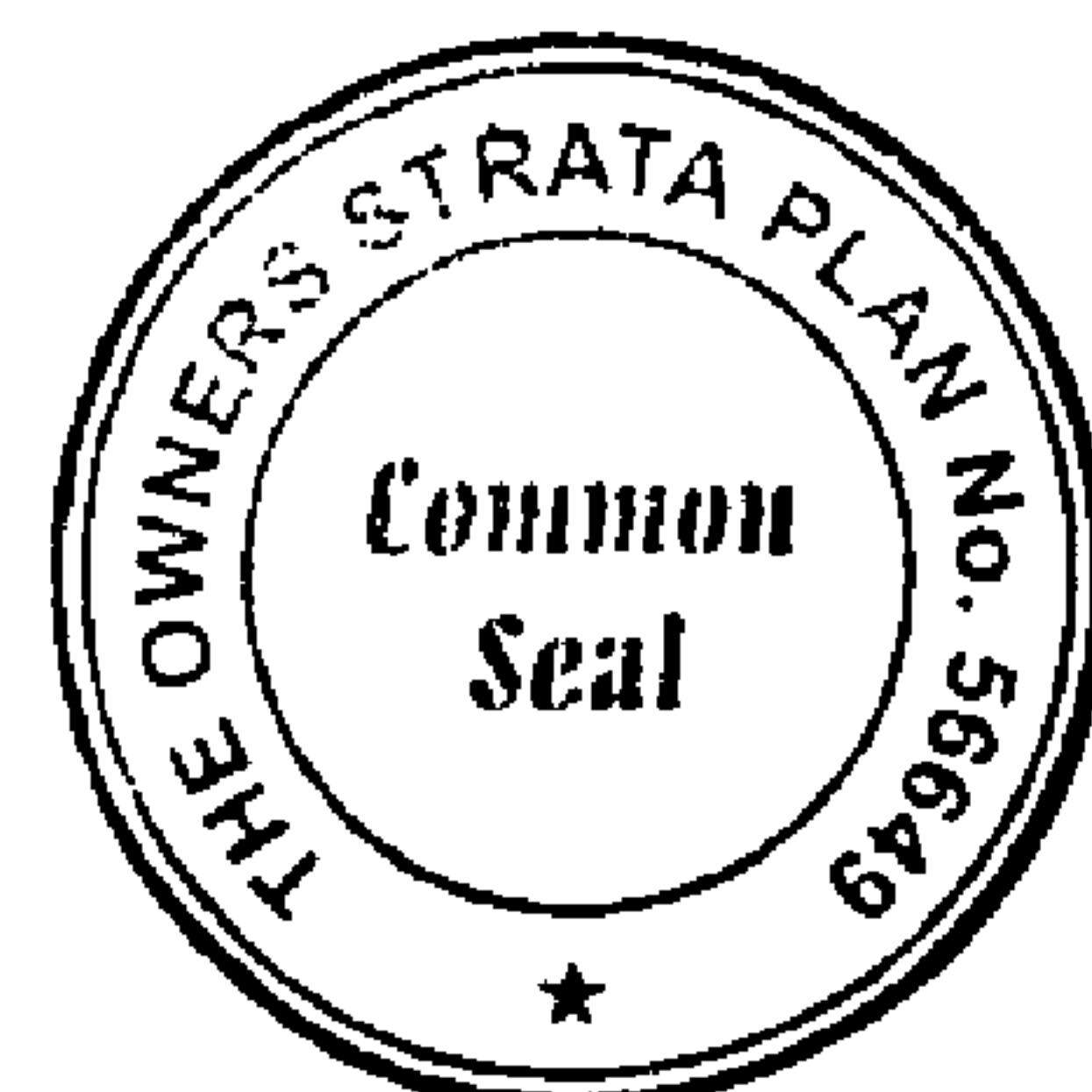
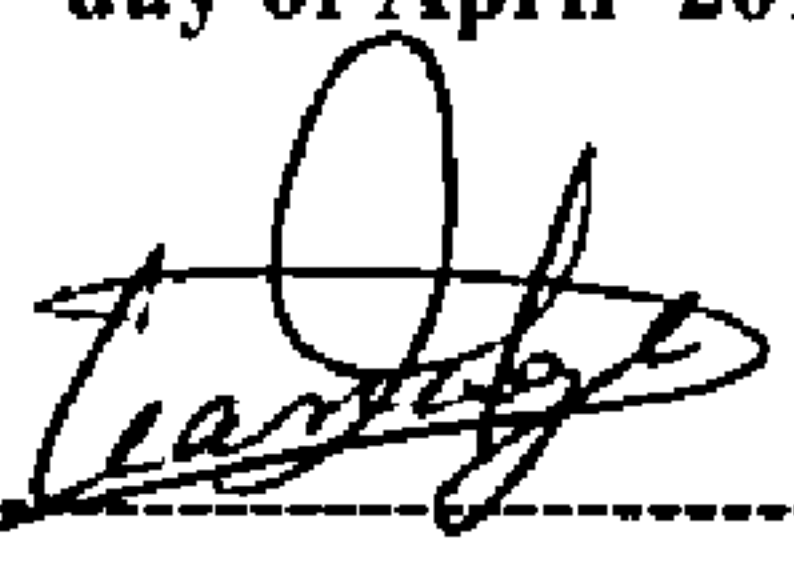


- (iii) If there is any inconsistency between clause (3)(a)(ii) of this by-law and any Architectural Standards in force in respect of the Community Association, the provisions of the Architectural Standards prevail to the extent only of that inconsistency and in all other respects the Owner must satisfy the provisions of clause (3)(a)(ii) of this by-law before the Scheme Executive Committee gives consent to the Works.

- (iv) In granting consent to the Works being undertaken, the Scheme Executive Committee may impose restrictions and obligations on the Owner and the Contractor, their servants and agents, including without limitation:
 - A. if the Development Control Plan then in force in respect of Leichhardt municipality requires the approval of Leichhardt Council for the installation of the Works, a requirement to apply to Leichhardt Council for development or other approval for the performance of the Works;
 - B. restrictions on parking within the Scheme or on Community Property by the Contractor, any architect, design or other consultant to the Owner in respect of the Works, and their respective employees, servants and agents which may include a prohibition on the use by those persons of visitor parking;
 - C. a requirement as to timing of the Works in order to ensure the orderly conduct of the Works, the proposed timetable for which competes with other building works being undertaken in the Scheme;
 - D. restrictions on the manner in which building materials and debris from the installation of the Works are removed from the building and disposed of;
 - E. a requirement to provide the opinion of a structural engineer (reasonably acceptable to the Scheme Executive Committee) to the effect that if the Works are carried out in a good and workmanlike manner substantially in accordance with the plans, drawings and specifications provided to the Scheme Executive Committee, the Works will not adversely affect the structural integrity of the building or any part thereof, and

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F. a requirement to cause a dilapidation report to be conducted of the Common Property (including any part of the roof over the Lot) and each or any other lot affected or likely to be affected by the Works and provided to the Scheme Executive Committee, and such other restrictions and obligations as the Scheme Executive Committee considers are reasonable and necessary having regard to the Works that are to be undertaken, the provisions of the community management statement (in particular the Architectural Standards) and to other building work then being carried out in the Strata Scheme.

(b) Performance of Works

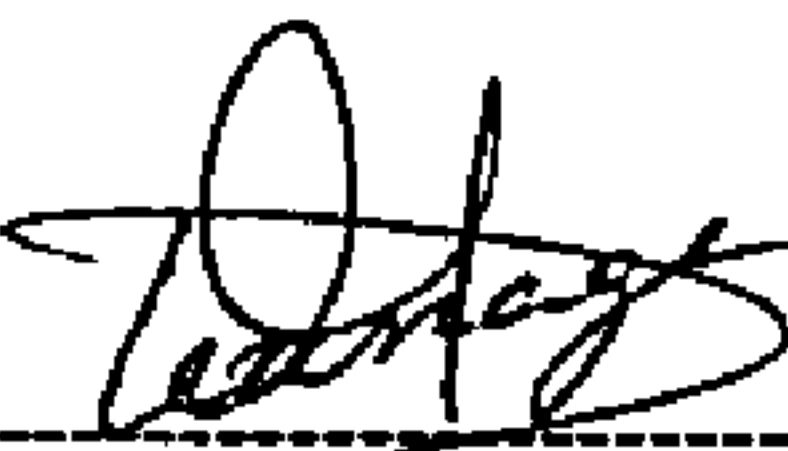
In performing the Works, the Owner (who is responsible for the Contractor, its servants and agents) must ensure as far as is practicable that:

- (i) the Works are carried out in a good and workmanlike manner by licensed contractors in compliance with the Building Code of Australia and relevant Australian standards including without limitation that any and all perforations of the roof and any external wall made for the purpose of carrying out the Works are properly flashed and sealed in order to prevent water ingress into the building;
- (ii) ensure that the Works are carried out in such a way as to minimise disruption or inconvenience to any owner or occupier of any other lot;
- (iii) ensure that the Works are carried out substantially in accordance with the plans, drawings and specifications provided to the Scheme Executive Committee prior to construction and, if the approval of Leichhardt Council is required for the conduct of the Works, as approved by the Council;
- (iv) not materially amend or vary the plans, drawings and specifications without the approval in writing of the Scheme Executive Committee and, if required, the Council;
- (v) take reasonable precautions to protect all areas of the building outside the Lot from damage by the Works;
- (vi) ensure that all construction materials, equipment, debris and other material associated with the Works is transported over Common Property in the manner reasonably directed by the Scheme Executive Committee

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and that no construction materials, equipment, debris and other material associated with the Works is deposited on the Common Property at all or on the pavement outside the building for longer than 24 hours unless prior arrangements have been made by the Owner or the Contractor with the Scheme Executive Committee for the use and siting of a rubbish skip or dump bin;

- (vii) ensure that all areas of the complex outside the Lot which are affected by the Works are kept clean and tidy throughout the performance of the Works;
- (viii) ensure that the Works are only performed between the hours of 7.30 a.m. and 5.00 p.m. Monday to Friday, 8.00 a.m. to 2.00 p.m. on Saturday and not at all on Sunday or any public holiday;
- (ix) ensure that no security doors or access ways are blocked, or propped open or hindered in any way by the Contractor, its employees, servants or agents or by construction materials, equipment, debris and other material associated with the Works;
- (x) ensure that the Works do not interfere with or damage the Common Property (other than as is approved in this by-law) or the property of any other lot owner or occupier;
- (xi) ensure that neither the Owner nor the Contractor, its employees, servants or agents uses any of the Owners Corporation s garbage bins to store or cart debris, building materials, tools or equipment;
- (xii) ensure that any damage caused by the Owner or the Contractor, its employees, servants or agents in the performance of the Works is made good within a reasonable period after that damage occurs;
- (xiii) ensure that, subject to any extension of time required by reason of any supervening event or circumstance beyond the Owner s reasonable control, the Works are completed within three months of their commencement or such longer period of time as the Scheme Executive Committee, acting reasonably, permits.

(c) Completion of Works

On completion of the Works, the Owner must:

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- (i) ensure that the Contractor removes from the Scheme all debris resulting from or associated with the Works as soon as practicable;
- (ii) ensure that any Common Property corridors and foyers through which construction materials, equipment, debris and other material associated with the Works have been transported for the purpose of the Works are cleaned and that any marks or stains occasioned by that transport are removed;
- (iii) if the approval of Leichhardt Council is required in order to carry out the Works, provide the Scheme Executive Committee with a copy of a certificate from Leichhardt Council certifying that the Works comply with any conditions of any requisite approval of the Council.

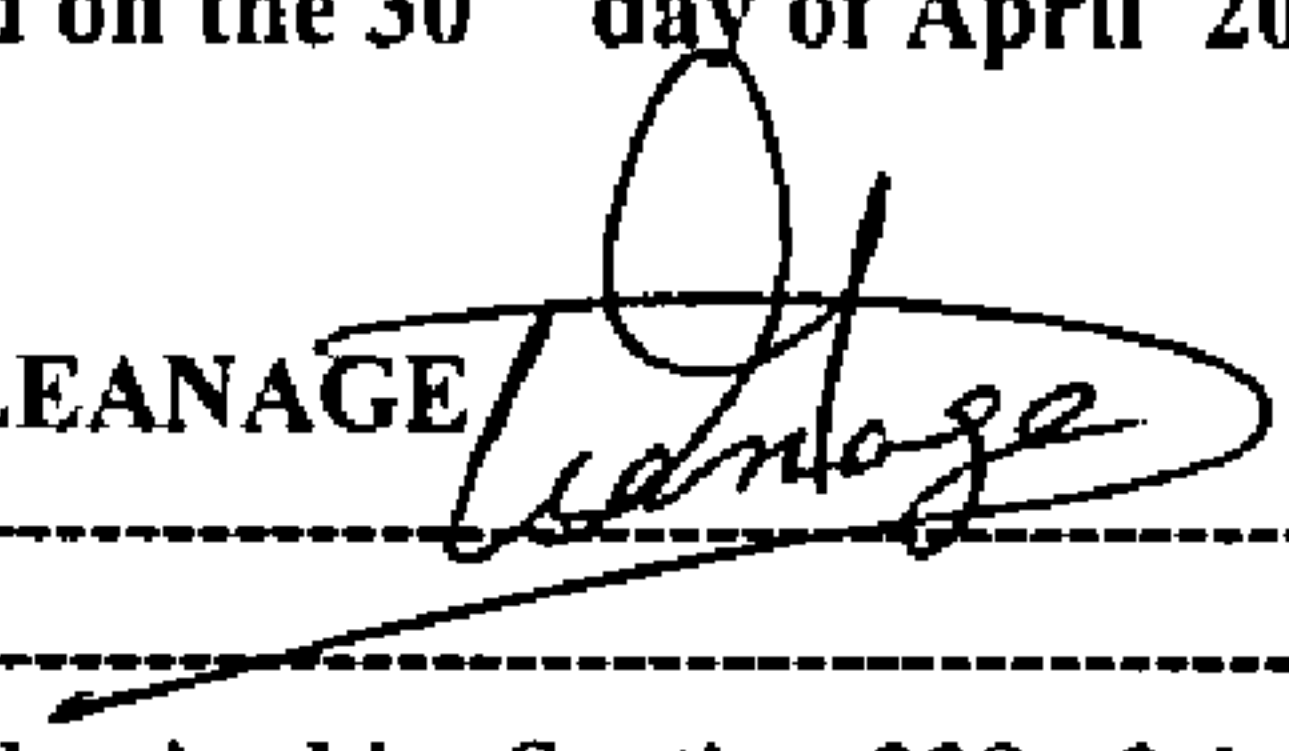
(4) Other Rights and Obligations

- (a) The Owner is liable for, and must indemnify the Owners Corporation against, any damage caused to any part of the Common Property as a result of the performance of the Works whenever that damage may occur.
- (b) The Works must be undertaken at the cost of the Owner.
- (c) The Owner is responsible for, and must bear and pay all the costs of, the proper maintenance of the Works (which expression includes without limitation the solar panels and/or photovoltaic system or systems, any and all fixtures and fittings associated therewith, any waterproof membrane, flashing and finishes installed in the course of the performance of the Works and all pipe, conduit, wiring and the like connecting the solar panels to the hot water system in the Lot and/or the photovoltaic system or systems to energy storage systems installed in the lot, the strata scheme or the electricity grid as applicable) and must keep the Works in a state of good and serviceable repair and must renew or replace the Works whenever the Works or any part of the Works becomes worn out, damaged or inoperable.
- (d) The Owner indemnifies the Owners Corporation and each other owner and occupier of a lot in the Scheme against any loss or damage the Owners Corporation and/or that other owner or occupier may suffer as a direct result of the performance of the Works.
- (e) In the event that the Owner fails to carry out any part of the Works or perform any other obligation required by the terms of this by-law to be

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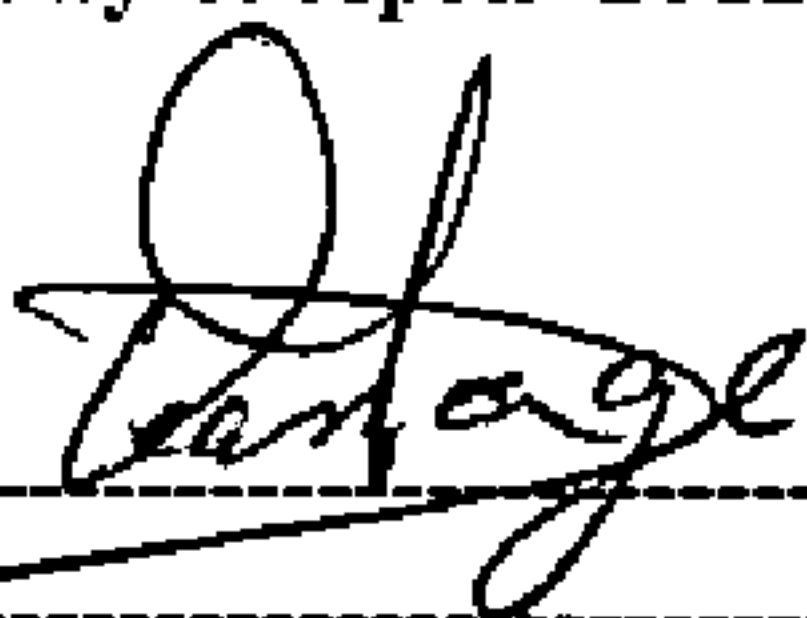
performed by the Owner, the Owners Corporation may, at the Owner s cost:

- (i) carry out all work necessary to maintain, repair or replace the fixtures and fittings installed as part of the Works;
 - (ii) enter upon any part of the Lot to carry out that work; and
 - (iii) recover the costs of carrying out that work from the Owner, and the Owner indemnifies the Owners Corporation against any liability flowing from the actions of the Owners Corporation pursuant to this clause.
- (f) If and to the extent that the costs of rectification of damage caused to the Common Property (including the costs of cleaning of any unclean, untidy or defaced area of the Common Property) are not paid by the Owner upon demand therefor by the Owners Corporation:
- (i) the Owners Corporation may recover the amount of those costs, including the costs of recovery, from the Owner as a debt due; and
 - (ii) If that debt is not paid within one month after the date on which it is due, it will bear simple interest at the same rate as applicable to contributions unpaid under section 79(2) of the Strata Schemes Management Act 1996 (or any Act or regulation amending or replacing the same), or if the regulations under the Act prescribe some other rate, then at that other rate; and
 - (iii) The Owners Corporation may include reference to any such debt (including interest thereon) on notices under section 109 of the Strata Schemes Management Act in respect of that Lot.

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