

Form: 15CB
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CHANGE OF BY-LA

New South Wales
Strata Schemes Management Act
Real Property Act 1900



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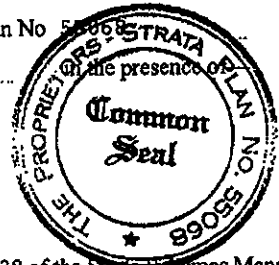
PRIVACY NOTE: this information is legally required and will become part of the public record

(A) TORRENS TITLE	For the common property CP/SP 55068	
(B) LODGED BY	Delivery Box	Name, Address or DX and Telephone
	<i>IW</i>	JOHN F MORRISSEY 75 VICTORIA STREET POTTS POINT NSW 2011 Reference (optional):
		CODE CB

- (C) The Owners-Strata Plan No 55068 certify that pursuant to a resolution passed on 25 September 2002 and in accordance with the provisions of
- (D) section 52 Strata Schemes Management Act 1996 the by-laws are changed as follows—
- (E) Repealed by-law No
Added by-law No
Amended by-law No
as fully set out below.

SEE ANNEXURE A

(F) The common seal of the Owners-Strata Plan No 55068 was affixed on 01 May 2002 of the presence of
Signature(s): *Karina Hienze*
Name(s): KARINA HIENZE
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 NOT APPLICABLE has approved the change of by-laws set out herein.
Signature of authorised officer:
Name and position of authorised officer:

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STRATA SCHEME 55068

Motion 1

Motion for Special Privilege By-Law

Subject to Motions 2, 3 and 4 being passed, the Owners - Strata Plan No. 55068 SPECIALLY RESOLVE pursuant to section 52 of the Strata Schemes Management Act 1996 to make an additional by-law in the following terms:

SPECIAL BY-LAW NO. 6

BY-LAW FOR WORKS

A. DEFINITIONS

i) In this by-law:

"Owner" means each of the owners or occupiers of lot 66 in strata plan no. 55068.

"Works" means the alterations and additions undertaken by the Owners (at that Owner's cost and to remain that Owner's fixtures) to:

- replace existing signage;
- install a new shopfront;
- install a new front shopfront entrance;
- install a new street front entrance to access the first floor; and
- install new internal stairs

to lot 66 and so much of the adjoining common property as is necessary (including all ancillary structures) as depicted on the copies of plans and drawings submitted by the Owners and attached to the minutes of the meeting at which this by-law was made.

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.

B. RIGHTS

iii) Subject to the conditions in paragraph C of this by-law, Owners will have a special privilege in respect of the common property to perform the Works and to erect and keep the Works to and on the common property.

C. OWNER'S OBLIGATIONS

Before commencing the Works

iv) Owners must submit to the owners corporation the following documents relating to the Works:

- a) plans and drawings;
- b) specifications;
- c) structural diagrams; and/or
- d) any other document reasonably required by the owners corporation.

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- v) Owners must obtain approval for the performance of the Works from:
- a) the engineer nominated by the owners corporation;
 - b) the relevant consent authority under the Environmental Planning and Assessment Act; and
 - c) any other relevant statutory authority whose requirements apply to the Works.
- vi) Owners must effect the following insurances in the joint names of the Owner and owners corporation:
- a) contractors all works insurance;
 - b) insurance required under the Home Building Act 1989 (if required);
 - c) workers compensation insurance; and
 - d) public liability insurance in the amount of \$10,000,000.

While carrying out the Works

- vii) In carrying out the Works, Owners must:
- a) transport all construction materials, equipment, debris and other material, in the manner reasonably directed by the owners corporation;
 - b) protect all areas of the building outside their respective lots from damage by the Works or the transportation of construction materials, equipment, debris;
 - c) keep all areas of the building outside their respective lots clean and tidy throughout the performance of the Works;
 - d) only perform the Works at the times approved by the owners corporation;
 - e) not create noise that causes unreasonable discomfort, disturbance or interference with activities of any other occupier of the building;
 - f) remove all debris resulting from the Works immediately from the building; and
 - g) comply with the requirements of the owners corporation to comply with any by-laws and any relevant statutory authority concerning the performance of the Works.
- viii) Owners must ensure that 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 (if any) approved by the local council and owners corporation.

After completing the Works

- ix) Owners must deliver to the owners corporation the following documents relating to the Works:
- a) certification by an engineer nominated by the owners corporation as to the structural integrity of the Works and the building; and
 - b) any other document reasonably required by the owners corporation.

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- x) Owners must properly maintain and keep the common property to which the Works are erected or attached in a state of good and serviceable repair.
- xi) Owners must (at that Owner's cost) properly maintain and keep the Works in a state of good and serviceable repair and must replace the Works (or any part of them) as required from time to time.
- xii) To the extent that s 62(3) is applicable, the owners corporation determines it is inappropriate to maintain, renew, replace or repair any common property affected by the Works proposed under this by-law.

Liability

- xiii) Owners will be liable for any damage caused to any part of the common property as a result of the erection or attachment of the Works to the common property and will make good that damage immediately after it has occurred.
- xiv) Owners must indemnify the owners corporation against any loss or damage the owners corporation suffers as a result of the performance, maintenance or replacement of the Works on the common property including liability under section 65(6) in respect of any property of the Owner.

Costs and Remedy

- xv) Owners must indemnify the owners corporation for all of the costs of considering and making this by-law, approving any plans, drawings or other documents or obtaining certification of the Works or common property areas resulting from the works incurred by the owners corporation (including legal costs) and will pay those amounts to the owners corporation when requested or as otherwise directed by it.
- xvi) If Owners fail to comply with any obligation under this by-law, THEN 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 that Owner as a debt and payable on written demand or at the direction of the owners corporation.
- xvii) Any debt for which Owners are liable under this by-law, is due and payable on written demand or at the direction of the owners corporation and, if not paid at the end of 1 month from the date on which it is due, will bear until paid, simple interest at an annual rate of 10 per cent or, if the regulations provide for another rate, that other rate and the interest will form part of that debt

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Motion 2

Motion for Special Privilege By-Law

Subject to Motions 1, 3 and 4 being passed, the Owners - Strata Plan No. 55068 SPECIALLY RESOLVE pursuant to section 52 of the Strata Schemes Management Act 1996 to make an additional by-law in the following terms:

SPECIAL BY-LAW NO. 7

BY-LAW FOR DOORWAY WORKS

A. DEFINITIONS

i) In this by-law:

"Owner" means each of the owners or occupiers of lots 1 and 66 in strata plan no. 55068.

"Doorway Works" means the alterations and additions undertaken by the Owners (at that Owner's cost and to remain that Owner's fixtures) to relocate a common property doorway adjacent to the boundary of lots 1 and that part of lot 66 that is adjacent to lot 1 and so much of the adjoining common property as is necessary (including all ancillary structures) as depicted on the copies of plans and drawings submitted by the Owners and attached to the minutes of the meeting at which this by-law was made.

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.

B. RIGHTS

iii) Subject to the conditions in paragraph C of this by-law, Owners will have a special privilege in respect of the common property to perform the Doorway Works and to erect and keep the Doorway Works to and on the common property.

C. OWNER'S OBLIGATIONS

Before commencing the Doorway Works

iv) Owners must submit to the owners corporation the following documents relating to the Doorway Works:

- d) plans and drawings;
- e) specifications;
- f) structural diagrams; and/or
- d) any other document reasonably required by the owners corporation.

v) Owners must obtain approval for the performance of the Doorway Works from:

- e) the engineer nominated by the owners corporation;
- d) the relevant consent authority under the Environmental Planning and Assessment Act; and
- c) any other relevant statutory authority whose requirements apply to the Doorway Works.

vi) Owners must effect the following insurances in the joint names of the Owner and owners corporation:

- d) contractors all works insurance;
- e) insurance required under the Home Building Act 1989 (if required);

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- f) workers compensation insurance; and
- d) public liability insurance in the amount of \$10,000,000.

While carrying out the Doorway Works

vii) In carrying out the Doorway Works, Owners must:

- h) transport all construction materials, equipment, debris and other material, in the manner reasonably directed by the owners corporation;
- i) protect all areas of the building outside their respective lots from damage by the Doorway Works or the transportation of construction materials, equipment, debris;
- j) keep all areas of the building outside their respective lots clean and tidy throughout the performance of the Doorway Works;
- k) only perform the Doorway Works at the times approved by the owners corporation;
- l) not create noise that causes unreasonable discomfort, disturbance or interference with activities of any other occupier of the building;
- m) remove all debris resulting from the Doorway Works immediately from the building; and
- n) comply with the requirements of the owners corporation to comply with any by-laws and any relevant statutory authority concerning the performance of the Doorway Works.

viii) Owners must ensure that the Doorway Works shall be done:

- c) in a proper and workmanlike manner and by duly licensed contractors; and
- d) in accordance with the drawings and specifications (if any) approved by the local council and owners corporation.

After completing the Doorway Works

ix) Owners must deliver to the owners corporation the following documents relating to the Doorway Works:

- c) certification by an engineer nominated by the owners corporation as to the structural integrity of the Doorway Works and the building; and
 - d) any other document reasonably required by the owners corporation.
- x) Owners must properly maintain and keep the common property to which the Doorway Works are erected or attached in a state of good and serviceable repair.
 - xi) Owners must (at that Owner's cost) properly maintain and keep the Doorway Works in a state of good and serviceable repair and must replace the Doorway Works (or any part of them) as required from time to time.
 - xii) To the extent that s 62(3) is applicable, the owners corporation determines it is inappropriate to maintain, renew, replace or repair any common property affected by the Doorway Works proposed under this by-law.

Liability

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

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- xiv) Owners must indemnify the owners corporation against any loss or damage the owners corporation suffers as a result of the performance, maintenance or replacement of the Doorway Works on the common property including liability under section 65(6) in respect of any property of the Owner.

Costs and Remedy

- xv) Owners must indemnify the owners corporation for all of the costs of considering and making this by-law, approving any plans, drawings or other documents or obtaining certification of the Doorway Works or common property areas resulting from the Doorway Works incurred by the owners corporation (including legal costs) and will pay those amounts to the owners corporation when requested or as otherwise directed by it.
- xvi) If Owners fail to comply with any obligation under this by-law, THEN the owners corporation may:
- d) carry out all work necessary to perform that obligation;
 - e) enter upon any part of the parcel to carry out that work; and
 - f) recover the costs of carrying out that work from that Owner as a debt and payable on written demand or at the direction of the owners corporation.
- xvii) Any debt for which Owners are liable under this by-law, is due and payable on written demand or at the direction of the owners corporation and, if not paid at the end of 1 month from the date on which it is due, will bear until paid, simple interest at an annual rate of 10 per cent or, if the regulations provide for another rate, that other rate and the interest will form part of that debt

Motion 3 *8*

Motion for proposed subdivision

Subject to Motions 1, 2 and 4 being passed,

1. The Owners - Strata Plan No 55068 SPECIALLY RESOLVE pursuant to sections 9 and 10 of the Strata Schemes (Freehold Development) Act 1973 to approve the strata plan of subdivision and schedule of unit entitlements to subdivide lot 66 in strata plan no. 55068 into 2 new lots according to the copy of the survey sketch as annexed to the minutes of the meeting at which this motion was considered.

Motion 4

Motion for proposed subdivision

Subject to Motions 1, 2 and 3 being passed,

1. The Owners - Strata Plan No 55068 RESOLVE to execute the strata plan of subdivision to subdivide lot 66 in strata plan no. 55068 into 2 new lots in the terms of the approval in Motion 3 and execute any forms or certificates, plans and documents required for the registration of the strata plan of subdivision.

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