

1 Noise

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 Vehicle

"An owner or occupier of a lot shall not park or stand any motor or other vehicle on common property except with the prior written approval of the Owners Corporation."

3 Obstruction Common Property

"An owner or occupier of a lot must not obstruct lawful use of common property by any person."

4 Damage to lawns and plants on common property

"An owner or occupier of a lot must not:

- (a) damage any lawn, garden tree, shrub, plant or flower being part of or situated on common property, or
- (b) use for his or her own purposes as a garden any portion of the common property."

5 Damage to common property

1. "An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property without the approval in writing of the Owners Corporation.
2. An approval given by the Owners Corporation under subclause (1) cannot authorise any additions to the common property.
3. This By-law does not prevent an owner or person authorised by an owner from installing:
 - V. Any locking or other safety device for protection of the owner's lot against intruders, or
 - VI. Any screen or other device to prevent entry of animals or insects on the lot, or
 - VII. Any structure or device to prevent harm to children.
4. IV Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, 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 state of good and serviceable repair any installation or structure referred to in subclause (3) that forms part of the common property and that services the lot."

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."

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 laundry, car parking area or other area of possible danger or hazard to children."

8 behaviour of invitees

"An owner or occupier of a lot must take all reasonable steps to ensure that 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 to any person lawfully using common property".

9 Depositing rubbish and other material on common property

"An owner or occupier of a lot must not 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 of any person lawfully using the common property."

10 Draying laundry items

"An owner or occupier of a lot must not, except with the consent in 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 outside the building other than on any lines provided by the Owners Corporation for the purpose and there only for a reasonable period."

11 Cleaning windows and doors

"An Owner or occupier of a lot must keep clean all glass in windows and all doors on the boundary of the lot, including so much as is common property."

12 Storage of inflammable liquids and other substances and materials

I. An owner of a lot must not, except with the approval of the Owners Corporation, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material.

II. This by-law does not apply to chemicals, liquids, bases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.”

13 moving furniture and other objects on or through common property

“An owner or occupier of a lot must not transport any furniture or large object through or on common property within the building unless sufficient notice has first been given to the Executive committee so as to enable the Executive Committee, to arrange for its nominee to be present at the time when the owner or occupier does so.”

14 Floor coverings

(a) “An owner of a lot must ensure that all floor space within the lot is covered or otherwise treated to an extent sufficient to prevent the transmission from the floor space of noise likely to disturb the peaceful enjoyment of the owner or occupier of another lot.

(b) This by-law does not apply to floor space comprising a kitchen, laundry, lavatory or bathroom.”

15 garbage disposal

“An owner or occupier of a lot:

(a) must maintain within the lot, or on such part of the common property as may be authorised by the Owners Corporation, in clean and dry condition and adequately covered a receptacle for garbage, and

(b) must ensure that before refuse is placed in the receptacle is securely wrapped or, in the case of tins or other containers, completely drained, and

(c) for the purpose of having the garbage collected, must place the receptacle within an area designated for that purpose by the Owners Corporation and at a time not more than 12 hours before the time at which garbage is normally collected, and

(d) when the garbage has been collected, must promptly return the receptacle to the lot or other as referred to in paragraph (a), and

(e) must not place any thing in the receptacle of the owner or occupier of any other lot except with the permission of that owner or occupier, and

- (f) must promptly remove any thing which the owner occupier or garbage collector may have spilled from the receptacle and must take such action as may be necessary to clean the area within which that thing was spilled.”

16 keeping of animals

(a) “Subject to Section 49(4), an owner or occupier of a lot must not, without the approval in writing of the Owners Corporation, keep any animal on the lot or the common property.

(b) The Owners Corporation must not unreasonably withhold its approval of the keeping an animal on a lot or the common property.”

17 appearance of lot

(a) “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 lot, that, viewed from the outside the lot, is not in keeping with the rest of the building.

(b) this by-law does not apply to the hanging of any washing, towel, bedding, clothing or other article as referred to in By-law 10.”

18 notice board

“An Owners Corporation must cause a notice board to be affixed to some part of the common property.”

19 change in use of lot to be notified

“An occupier of a lot must notify the Owners Corporation if the occupier changes the existing use of the lot in a way that may affect the insurance premiums for the Strata Scheme (for example, if the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes).”

Req:RD253712 /Doc:DL 5491102 /Rev:31-Dec-1998 /Sta:NO,OK/Ext:24-May-2002 12:15 /Pgs:6
/Ref:02/P0819 /Sro:Z

Form: 97-015CB
Licence: 10V/0779/97
Printed: 0797LTO
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CHANGE OF BY-LAW
New South Wales
Strata Schemes Management Act
Real Property Act 1900

5491102 V



(A) COMMON PROPERTY

CP/SP52399

(B) LODGED BY

LTO Box	Name, Address or DX and Telephone	Code
459V	J. & K. LEGAL	CB
Reference (15 character maximum):		

(C) The owners of strata plan No. 52399 certify that pursuant to a resolution passed on 29/10/98, and in accordance with the provisions of

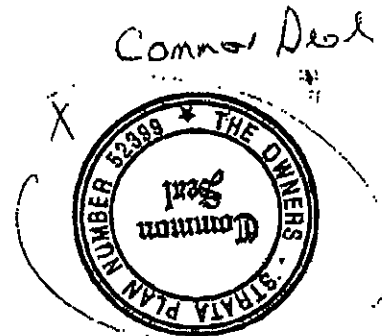
- (D) • section N/A of the Strata Schemes (Freehold Development) Act 1973
- section 52 of the Strata Schemes Management Act 1996
- order No. N/A of the Supreme Court of New South Wales
- order No. N/A of the Strata Schemes Board,

the by-laws are changed as follows:

- (E) Repealed by-law No. N/A
- 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 of Strata Plan No. 52399 was affixed on 18 November 1998 in the presence of
Names (use block letters) JUDITH ANN FERGUSON
Signatures J. Ferguson
being the person(s) authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.



- (G) Council's Certificate under section 56(4) of the Strata Schemes Management Act 1986
I certify that Council has approved the change of by-laws set out herein.
Dated Signature of General Manager

Req:RD253712 /Doc:DL 5491102 /Rev:31-Dec-1998 /Sts:NO.OK/Prt:24-May-2002 12:15 /Pgs:6
/Ref:02/P0819 /Sxo:E

ANNEXURE "A": STRATA PLAN NO. 52399:

AIR CONDITIONING (F: 2499)

- (l) **THAT** by special resolution pursuant to s 52 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

"SPECIAL BYLAW NO. 1

(a) **DEFINITIONS**

- (i) In this bylaw, unless the content indicates otherwise, the following terms and expressions are defined to mean:

- (A) "Act" means the Strata Schemes Management Act 1996;
- (B) "Adjacent Common Property" means that part of the common property of the strata plan which is within 10cm of the Air Conditioner as defined herein;
- (C) "Air Conditioner" means the ducted or split system of air conditioning servicing the lot including the air conditioning unit, condenser/compressor and its ancillary ducts, pipes and electrical equipment;
- (D) "Works" means all or any maintenance, repair, renew or replacement the Owner undertakes in respect of the Air Conditioner;

- (ii) Whereby any terms used in this bylaw are defined in the Strata Schemes Management Act 1996, they will have the same meanings as those words have in the Act;

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(b) RIGHTS AND CONDITIONS

The owner for the time being of the lot specified in the Schedule ("the Owner") is conferred with the special privilege in respect of common property to install an Air Conditioner SUBJECT TO the due observance and performance by the Owner with the following conditions:

(i) BEFORE INSTALLATION

Prior to installing the Air Conditioner the Owner shall submit to the executive committee plans and specifications in respect of the Air Conditioner containing details of the:

- (A) type of Air Conditioner;
- (B) size;
- (C) colour;
- (D) material; and
- (E) location

AND obtain the written approval of the executive committee before installing the Air Conditioner. The executive committee may in its absolute discretion specify in its written approval what reasonable alterations to the plans and specification is required and the Owner must comply with those alterations;

(ii) LICENSED CONTRACTOR

The Owner shall undertake the installation of the Air Conditioner by a contractor who is duly licensed according to the provisions of the Building Services Corporation Act 1989 (NSW);

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/Ref:02/P0819 /Src:E

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(iii) INSTALLATION TIMES

The Owner shall install the Air Conditioner so as to cause minimum disturbance and inconvenience to other residents of the strata scheme and only between the hours of 8.00 am and 5.00 pm.

(vi) AIR CONDITIONER MAINTENANCE:

The Owner shall maintain the Air-Conditioner in a state of good and serviceable repair and for this purpose, shall renew or replace it whenever considered reasonably necessary by the owners corporation;

(v) COMMON PROPERTY MAINTENANCE:

The Owner shall be responsible for the proper maintenance and keeping in a state of good and serviceable repair the Adjacent Common Property;

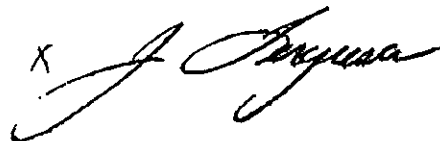
(vi) RUN-OFF

The Owner shall dispose of any condensation and run-off from the Air-Conditioner, so as not to cause nuisance to any person or damage to the common property;

(vii) NOISE

The Owner must not operate the Air Conditioner or allow it to be operated if the occupant of another lot is being unreasonably disturbed by noise or vibration for its operation;

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(viii) DAMAGES

The Owner shall repair any damage to the common property caused by her/him or his agents or contractors in the course of undertaking any obligations under this bylaw;

(ix) INDEMNIFY OWNERS CORPORATION

The Owner shall keep the owners corporation indemnified against:

- (A) any claims made against or expenses incurred by the owners corporation and arising out of or caused by the Works, or the use or maintenance of the air conditioner; and
- (B) any liability for damage to the Air Conditioner caused by the owners corporation in undertaking any work referred to in s 65 of the Act or in exercising the power of entry conferred by that section;

(x) BYLAW BREACH:

Without prejudice to the other rights of the owners corporation, where the Owner fails or neglects to carry out any condition referred to herein then the owners corporation or its agents, servants or contractors may carry out such condition and may enter upon any part of the parcel for that purpose at any reasonable time on notice given to any occupier or Owner of any part of the parcel and may recover

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/Ref:02/P0819 /Src:E

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the costs of fulfilling such condition as a debt from
the Owner."

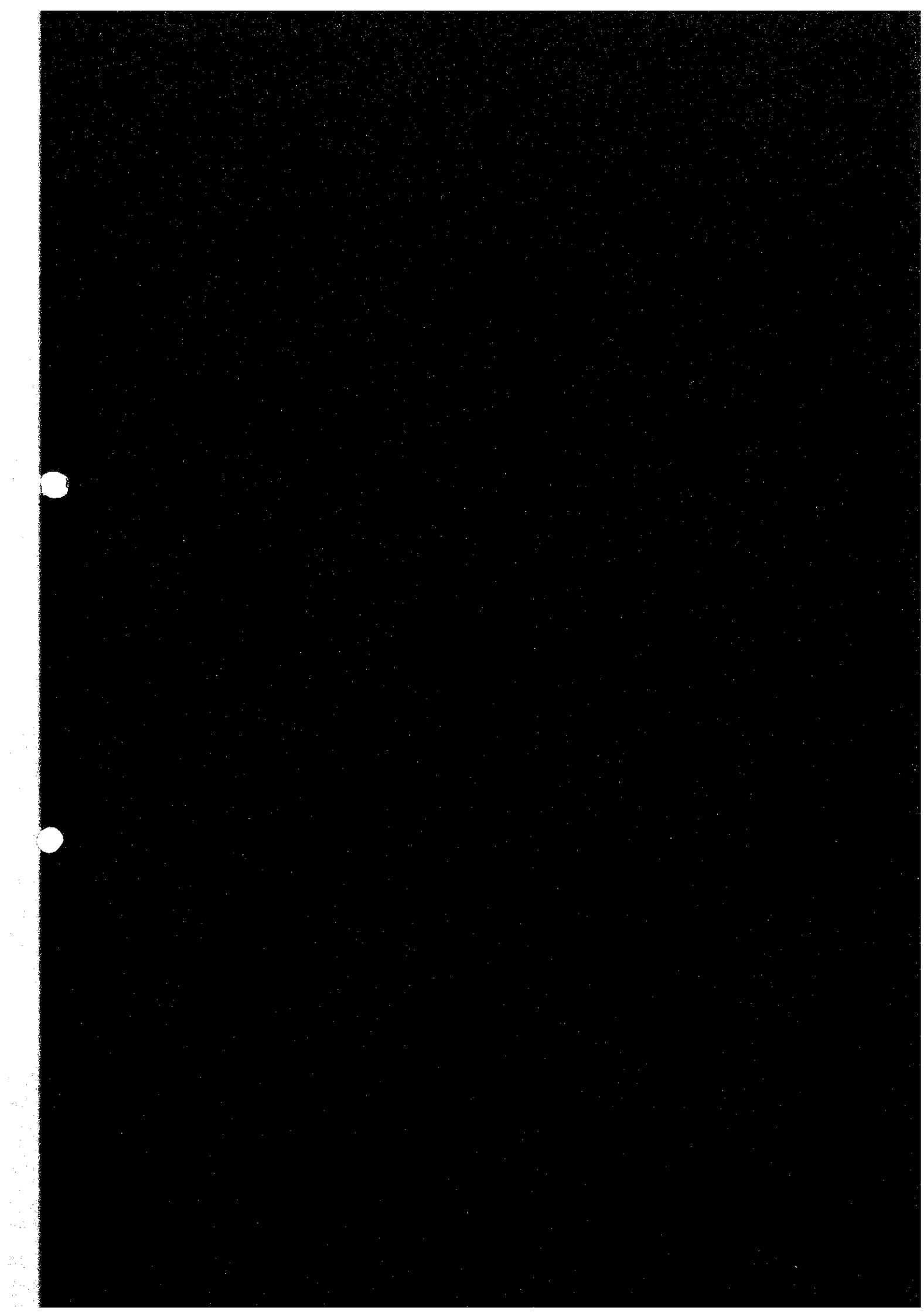
SCHEDULE

Lot Nos having the benefit of this bylaw:

Lots 1, 3, 6, 10, 12, 13, 14, 17, 22, 23, 26, 28, 30, 31, 34, 35, 36,
37, 39, 44, 45, 51, 52, 53, 58, 66, 70, 71, 72, 73, 75, 79, 80, 84, 85,
86, 90, 107, 108, 113, 121, 122, 123, 137, 138, 142, 143, 144, 149,
150, 153, 156, 158, 160, 161, 165, 167 & 171.

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



(A) COMMON PROPERTY

CP/SP52399

(B) LODGED BY

LTO Box	Name, Address or DX and Telephone	Code
659V	Iv K LEG/MR	CB
Reference (15 character maximum):		

(C) The owners of strata plan No. 52399 certify that pursuant to a resolution passed on 29/10/98 and in accordance with the provisions of

- (D) • 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 Supreme Court of New South Wales
- order No. N/A of the Strata Schemes Board,

the by-laws are changed as follows:

(E) Repealed by-law No. N/A
 Added by-law No. SPECIAL BYLAW NOS 2,3,4,5,6,7,8 & 9
 Amended by-law No. N/A as fully set out below.

SEE ANNEXURE "B", "C", "D" & "E"

(F) The common seal of the owners of Strata Plan No. 52399 was affixed on 18 November 1998 in the presence of Names (use block letters) JUDITH ANN FERGUSON Signatures: [Signature] being the person(s) authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.



(G) Council's Certificate under section 56(4) of the Strata Schemes Management Act 1996
 I certify that Council has approved the change of by-laws set out herein.
 Dated Signature of General Manager

Req:RD253713 /Doc:DL 5491103 /Rev:31-Dec-1998 /Sts:NO.OK/Frt:24-May-2002 12:15 /Pgs:5
/Ref:02/P0819 /Src:E

ANNEXURE "B" SPECIAL BY LAW NO ANIMALS

THAT by special resolution pursuant to s 47 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following repeal be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

Statutory bylaw no 16 in Schedule 1 of the Strata Schemes Management Act 1996 (NSW).

THAT by special resolution pursuant to s 47 of the Strata Schemes Management Act 1996 the following addition be made to the bylaws applying to the strata scheme and that notification of such be lodged for registration in accordance with s 48 at the Land Titles Office:

"(a) SPECIAL BYLAW NO 2: NO ANIMALS

That subject to s 49(4) an owner or occupier of a Lot shall not keep any animal upon the lot or the common property;

(b) SPECIAL BYLAW NO 3 VISITORS COMPLIANCE

The occupier of a Lot shall take all reasonable steps to ensure that his or her children and invitees comply with the provisions of this bylaw AND in the event of his or her inability for any reason to ensure such compliance by the child or invitee, the occupier of the Lot shall thereupon personally remove the animal from the strata scheme."

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Req:RD253713 /Doc:DL 5491103 /Rev:31-Dec-1998 /Sts:NO.OK/Prt:24-May-2002 12:15 /Pgs:6
/Ref:02/P0819 /Src:E

ANNEXURE "C": STRATA PLAN NO. 52399: (F: 2514)

- (1) THAT by special resolution pursuant to s 47 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

"SPECIAL BYLAW NO 4

1. The owner or occupier of a lot shall maintain the lot in a clean and tidy condition and free of vermin and, without limiting the generality of this bylaw, shall clean the filters of any rangehood installed in the lot or grease at least once every three months;
2. For the purpose of inspecting the lot, the owners corporation may by its agents, servants or contactors enter the lot at any reasonable time on notice given to any occupier of the lot.

SPECIAL BYLAW NO 5

The owner or occupier of a lot shall not convey nor allow the conveyance in the lift of any push bike or surfboard or other object likely to damage or dirty the interior of the lift.

SPECIAL BYLAW NO 6

1. In this bylaw "the Pool" refers to the pool, the spa, the sauna and the pool area, within the parcel;
2. The owner or occupier of a lot shall not use nor allow the use of the Pool between 1.00 am and 5.00 am;
3. The owner or occupier of a lot shall not allow the use of the Pool by his invitees except when accompanied by him;
4. The owner or occupier of a lot shall not do any of the following, nor allow them to be done, in the Pool:
 - (a) smoking, eating or drinking;
 - (b) consuming alcohol;

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/Ref:02/P0819 /Src:E

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- (c) using bottles or glass;
 - (d) running, jumping or diving;
 - (e) using balls, boogie boards or large inflated objects;
 - (f) using soap, bubble bath or shampoo;
5. The owner or occupier of a lot shall not enter or pass through the building from the Poolwhile wet, nor allow his invitees to do so.

SPECIAL BYLAW NO 7

The owners corporation shall have the following powers in addition to those conferred on it by the Strata Schemes Management Act 1996 and the bylaws:

- 1. The power to engage a building manager (in addition to a strata manager) and a security guard on such conditions and for such term as is determined from time to time by the owners corporation;
- 2. The power to grant to the building manager or to the security guard the right to use a specified area of common property for purposes relating to the proper performance of his responsibilities."

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X *J. Johnson*

Req:RD253713 /Doc:DL 5491103 /Rev:31-Dec-1998 /Sts:NO.OK/Prt:24-May-2002 12:15 /Pgs:6
/Ref:02/P0819 /Src:E

ANNEXURE "D" STRATA PLAN NO. 52399:
NO "FOR SALE" OR FOR LEASE" SIGNS: (F: 2514)

(1) THAT by special resolution pursuant to s 47 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

"SPECIAL BYLAW NO. 8

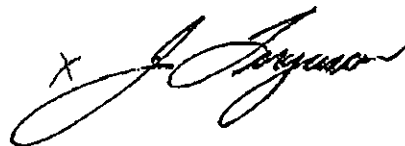
The owner or occupier of a lot must not affix or exhibit nor permit any:

- (a) "for sale" sign; or
- (b) "for lease" sign

or any sign of a similar nature or to the same effect (whether of their own making or of a real estate agent or property manager or any other person) to be affixed or exhibited to any part of the parcel."

SP52399.ANB

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Req:RD253713 /Doc:DL 5491103 /Rev:31-Dec-1998 /Sts:NO.OK/Prt:24-May-2002 12:15 /Pgs:6
/Ref:02/P0819 /Src:E

ANNEXURE "E": STRATA PLAN NO. 52399:
CARSPACE & STORAGE SPACE: KEEP CLEAN: (E:2514)

(1) **THAT** by special resolution pursuant to s 47 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

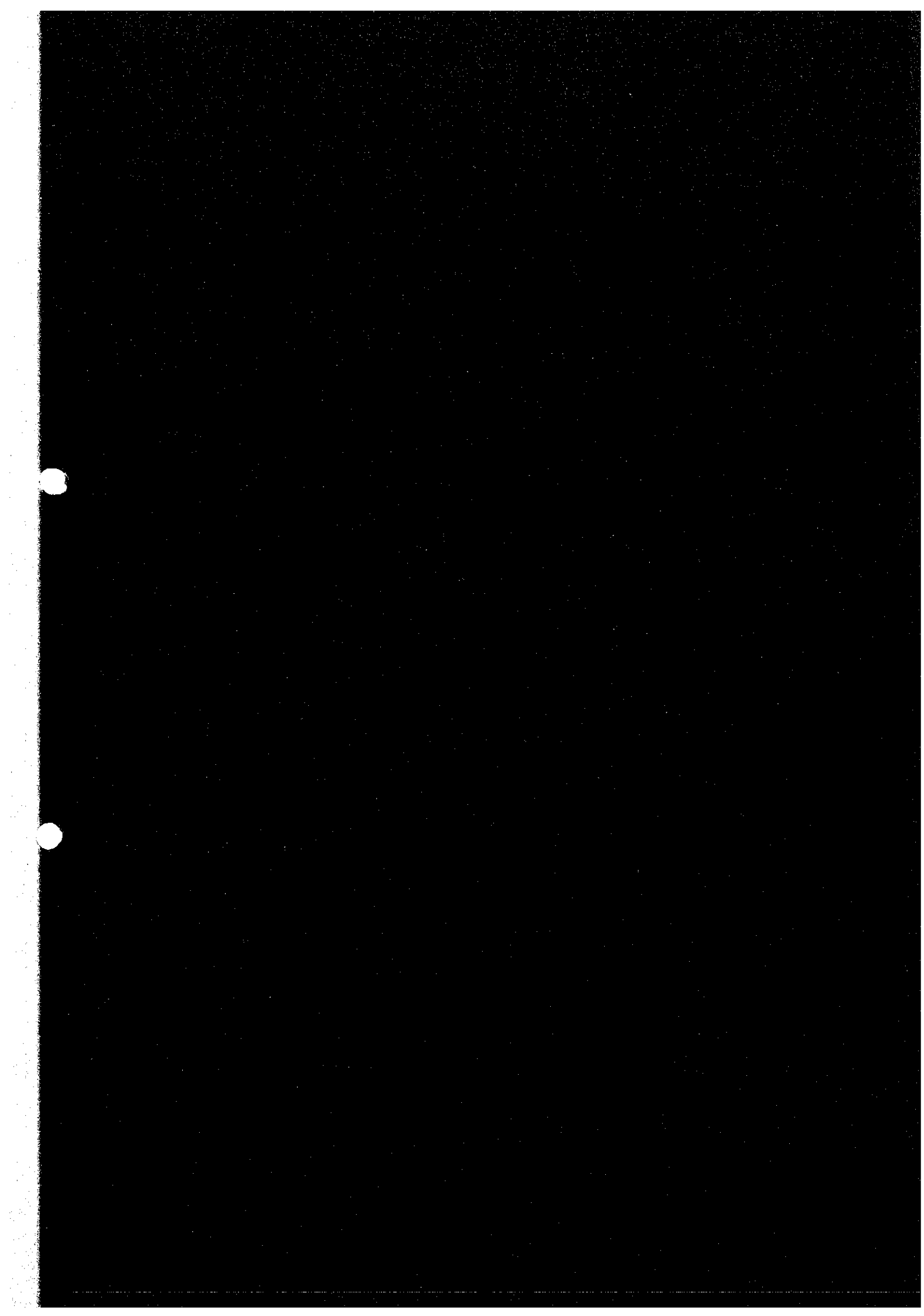
"SPECIAL BYLAW NO. 9

An owner or occupier of a lot must keep a carspace and storage space to which he/she is entitled to use in a clean, tidy and well ordered condition.

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Req:RD253715 /Doc:DL 7458574 /Rev:09-Mar-2001 /Sta:NO,OK/Prt:24-May-2002 12:16 /Pgs:4

/Ref:02/P0819 /Src:E

Form 7/15CB
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CHANGE OF BY-LAWS

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

7458574P



(A) COMMON PROPERTY

CP/SP 52399

(B) LODGED BY

LTO Box	Name, Address or DX and Telephone	Code
381H	Hazlett - G Reference (15 character maximum): 11kin:SP52399	CB

(C) The owners of strata plan No. 52399 certify that pursuant to a resolution passed on 18/10/00, and in accordance with the provisions of

- (D) • 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 Supreme Court of New South Wales
- order No. N/A of the Strata Schemes Board,

the by-laws are changed as follows:

N/A

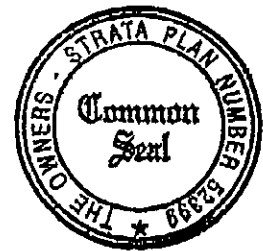
- (E) Repealed by-law No. SPECIAL BYLAW NO 12,13,14,15,16,17,18,19
- Added by-law No. N/A
- Amended by-law No. N/A as fully set out below.

SEE ANNEXURE "A"

X Common Seal

52399

- (F) The common seal of the owners of Strata Plan No. 52399 was affixed on 2 March 2001 in the presence of JUDITH ANN FERGUSON Names [use block letters] JUDITH ANN FERGUSON Signatures [Signature] being the person(s) authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.



- (G) Council's Certificate under section 56(4) of the Strata Schemes Management Act 1996
I certify that Council has approved the change of by-laws set out herein.
Dated Signature of General Manager

Reg:RD253715 /Doc:DL 7458574 /Rev:09-Mar-2001 /Sts:NO.OK/Ext:24-May-2002 12:16 /Pgs:4
/Ref:02/P0819 /Src:E

ANNEXURE "A": STRATA PLAN NO 52399 (R:2355)

THAT by special resolution pursuant to s 47 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

(1) **"SPECIAL BYLAW NO. 12: CURTAINS**

An owner or occupier of a lot must:

- (a) ensure that all curtains and blinds installed in any window or doors to the lot have a colour referred to in the Schedule hereto when viewed from outside the building:

SCHEDULE

- (i) Light Grey; or
(ii) The colour as originally installed;

- (b) not do anything or permit anything to be done which may interfere with the uniform appearance of the outside parts of the building.

(2) **SPECIAL BYLAW NO. 13: ILLEGAL PURPOSE**

An owner or occupier of a lot must not use the lot or permit the lot to be used otherwise than as a private residence nor for any purpose that may cause a nuisance or hazard or for any illegal or immoral purpose or for any other purpose that may endanger the good reputation of the strata scheme.

(3) **SPECIAL BYLAW NO. 14: PLANNING LAWS**

- (a) An owner or occupier of a lot must not use the lot for any purpose that is unlawful;
- (b) An owner or occupier of a lot must at the owner's or occupier's own expense promptly comply with all laws relating to the:
- (i) lot;
- (ii) owner's or occupier's use of the lot;
- (iii) owner's or occupier's use of any area of common property to which a licence or a right of exclusive use has been given, including, without limitation, the local council zoning of the building, all

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Page 2

planning laws, development, building and other approvals, consents, requirements, notices and orders of any Governmental Agency;

- (c) In the event that compliance with this bylaw requires the submission of an application for development and/or building approval to any Governmental Agency, then the owner of the relevant lot must:
- (i) submit that application to the owners corporation for consideration;
 - (ii) amend that application to comply with the requirements of the owners corporation; and
 - (iii) pay to the owners corporation an amount to cover its time and costs of considering the application being the fee determined from time to time by the owners corporation.

(4) SPECIAL BYLAW NO. 15: NO SMOKING

- (a) An owner or occupier of a lot must not on the enclosed common property ignite, smoke or burn:
- (i) a cigarette;
 - (ii) a pipe; or
 - (iii) any other substance;
- (b) An owner or occupier of a lot shall take all reasonable steps to ensure his invitees comply with the provisions of this bylaw and in the event of his inability for any reason to ensure such compliance by any invitee he shall thereupon ensure such invitee leaves the parcel forthwith.

(5) SPECIAL BYLAW NO. 16: POOL USE

An owner or occupier of a lot must, after using the swimming pool area and exiting the swimming pool area, ensure he/she does not drip or trail water on common property.

(6) SPECIAL BYLAW NO. 17: BALCONY

An owner or occupier of a lot must not, except with the written approval of the owners corporation, enclose the balcony of the lot, whether wholly or partly.

(7) SPECIAL BYLAW NO. 18: INVITEE BYLAW COMPLIANCE

An owner or occupier of a lot must promptly take all reasonable steps to ensure that his/her invitees comply with the provisions of all the bylaws that apply to this



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/Ref:02/P0819 /Src:E

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strata scheme, and in the event of his/her inability for any reason to ensure such prompt compliance by any invitee he/she must thereupon ensure that such invitee promptly leaves the property.

(8) SPECIAL BYLAW NO. 19: INVITEE BEHAVIOUR

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

SP 52399:ANN





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/Ref:02/P0819 /Src:E



7458575M

CHANGE OF BY-LAWS

7458575

Registered 7th March 2001

Affecting Folio Identifier CP/SP52399


The above Change of By-Laws was scanned into the Imaging System of Land and Property Information without page 4 of Annexure Y. An office copy of the Change of By-Laws has been provided by the Alex Ilkin and Co and this is annexed hereto.



DIRECTOR OF LAND TITLES

22nd January 2002

ANNEXURE "Y": STRATA PLAN NO. 52399;
SECOND AIR CONDITIONING BYLAW (F: 2555)


Alex Ilkin, solicitor

(1) THAT by special resolution pursuant to s 52 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

"SPECIAL BYLAW NO.11

(a) DEFINITIONS

(i) In this bylaw, unless the content indicates otherwise, the following terms and expressions are defined to mean:

(A) "Act" means the Strata Schemes Management Act 1996;

(B) "Adjacent Common Property" means that part of the common property of the strata plan which is within 10cm of the Air Conditioner as defined herein;

(C) "Air Conditioner" means the ducted or split system of air conditioning servicing the lot including the air conditioning unit, condenser/compressor and its ancillary ducts, pipes and electrical equipment;

(D) "Works" means all or any maintenance, repair, renew or replacement the Owner undertakes in respect of the Air Conditioner;

(ii) Whereby any terms used in this bylaw are defined in the Strata Schemes Management Act 1996, they will have the same meanings as those words have in the Act;

I certify this is a true copy of the original annexure "Y" lodged at the LTO herein.

16/1/02
ALEX ILKIN
SOLICITOR
SUITE 3, 13 MORRIS RD.
MORTDALE 2223

Alex Ilkin & Co, solicitors, 3/13 Morris Road Mortdale Ph: 9580-9199



Page 2

(b) RIGHTS AND CONDITIONS

The owner for the time being of the lot specified in the Schedule ("the Owner") is conferred with the special privilege in respect of common property to install an Air Conditioner SUBJECT TO the due observance and performance by the Owner with the following conditions:

(i) BEFORE INSTALLATION

Prior to installing the Air Conditioner the Owner shall submit to the executive committee plans and specifications in respect of the Air Conditioner containing details of the:

- (A) type of Air Conditioner;
- (B) size;
- (C) colour;
- (D) material; and
- (E) location

AND obtain the written approval of the executive committee before installing the Air Conditioner. The executive committee may in its absolute discretion specify in its written approval what reasonable alterations to the plans and specification is required and the Owner must comply with those alterations;

(ii) LICENSED CONTRACTOR

The Owner shall undertake the installation of the Air Conditioner by a contractor who is duly licensed according to the provisions of the Building Services Corporation Act 1989 (NSW);

Alex Ilkin & Co, solicitors, 3/13 Morts Road Mortdale Ph: 9580-9199



Page 3

(iii) INSTALLATION TIMES

The Owner shall install the Air Conditioner so as to cause minimum disturbance and inconvenience to other residents of the strata scheme and only between the hours of 8.00 am and 5:00 pm.

(vi) AIR CONDITIONER MAINTENANCE:

The Owner shall maintain the Air-Conditioner in a state of good and serviceable repair and for this purpose, shall renew or replace it whenever considered reasonably necessary by the owners corporation;

(v) COMMON PROPERTY MAINTENANCE:

The Owner shall be responsible for the proper maintenance and keeping in a state of good and serviceable repair the Adjacent Common Property;

(vi) RUN-OFF

The Owner shall dispose of any condensation and run-off from the Air-Conditioner, so as not to cause nuisance to any person or damage to the common property;

(vii) NOISE

The Owner must not operate the Air Conditioner or allow it to be operated if the occupant of another lot is being unreasonably disturbed by noise or vibration for its operation;

Alex Ilkin & Co, solicitors, 3/13 Morts Road Mortdale Ph: 9580-9199



Page 4

(viii) DAMAGES

The Owner shall repair any damage to the common property caused by her/him or his agents or contractors in the course of undertaking any obligations under this bylaw;

(ix) INDEMNIFY OWNERS CORPORATION

The Owner shall keep the owners corporation indemnified against:

- (A) any claims made against or expenses incurred by the owners corporation and arising out of or caused by the Works, or the use or maintenance of the air conditioner; and
- (B) any liability for damage to the Air Conditioner caused by the owners corporation in undertaking any work referred to in s 65 of the Act or in exercising the power of entry conferred by that section;

(ix.1) POWER USAGE

- (A) The Owner shall not install or add any more electrical circuits to the electrical switch board of the Lot, other than the two electrical circuits installed for the Lot on registration of the strata plan;
- (B) The two electrical circuits referred to in (A) above, are not to be altered, added to or adjusted to provide any more than 40 AMPS of electricity to the Lot at any one time;

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(x) **BY-LAW BREACH:**

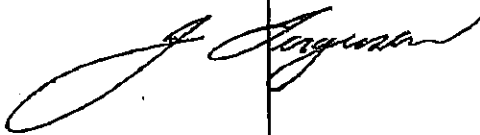
Without prejudice to the other rights of the owners corporation, where the Owner fails or neglects to carry out any condition referred to herein then the Owners Corporation or its agents, servants or contractors may carry out such condition and may enter upon any part of the parcel for that purpose at any reasonable time on notice given to any occupier or Owner of any part of the parcel and may recover the costs of fulfilling such condition as a debt from the Owner.

SCHEDULE

Lot Nos having the benefit of this by-law:

Lots 4, 5, 7, 8, 9, 11, 15, 18, 19, 21, 24,
32, 34, 38, 40, 41, 43, 46, 47, 48, 49, 54,
55, 56, 60, 61, 62, 63, 64, 65, 68, 69, 74,
76, 77, 78, 82, 83, 87, 88, 89, 91, 92, 93,
97, 98, 100, 101, 102, 103, 104, 105, 106,
110, 112, 116, 117, 118, 124, 125, 126,
128, 129, 130, 132, 133, 139, 140, 141,
145, 146, 148, 151, 152, 154, 155, 157,
159, 162, 163, 164, 168, 169, 170, 172 &
173

SP52399_ANY:E



Alex Ilkin & Co, solicitors, 3/13 Morts Road, Mordale Ph: 9580-9199



Req:RD253716 /Doc:DL 7458575 /Rev:25-Jan-2002 /Sta:8C.OK/Prt:24-May-2002 12:16 /Pg:19
/Ref:02/P0819 /Szo:E

Form: 97-015CB
Licence: 10V/0779/97
Printed: 0797LTO
Instructions for filling out this form are available from the Land Titles Office

CHANGE OF BY-LAWS
New South Wales
Strata Schemes Management Act 1996
Real Property Act 1900

(A) COMMON PROPERTY

CP/SP52399

(B) LODGED BY

LTO Box 38141	Name, Address or DX and Telephone Hallett & Co Reference (15 character maximum): (Kin: SP52399)	Code CB
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(C) The owners of strata plan No. 52399 certify that pursuant to a resolution passed on 7.4.1999, and in accordance with the provisions of

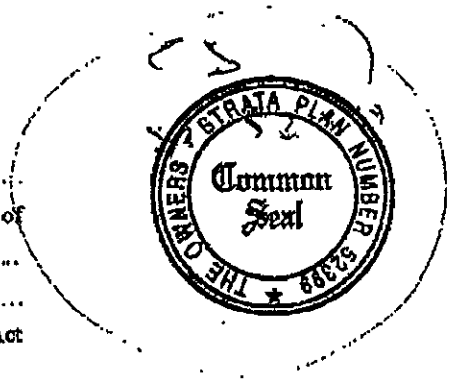
- (D) • section N/A of the Strata Schemes (Freehold Development) Act 1973
- section 52 of the Strata Schemes Management Act 1996
- order No. N/A of the Supreme Court of New South Wales
- order No. N/A of the Strata Schemes Board,

the by-laws are changed as follows:

- (E) Repealed by-law No. N/A
- Added by-law No. SPECIAL BYLAW NOS 10 AND 11
- Amended by-law No. SPECIAL BYLAW NO 1 as fully set out below.

1. IN RESPECT OF SPECIAL BYLAW NO 1: SEE ANNEXURE "X"
2. IN RESPECT OF SPECIAL BYLAW NO 10: SEE ANNEXURE "A"
3. IN RESPECT OF SPECIAL BYLAW NO 11: SEE ANNEXURE "Y"

(F) The common seal of the owners of Strata Plan No. 52399 was affixed on 1st February 2001 in the presence of
 Names (use block letters) J. E. Smith ANN FERGISON
 Signatures [Handwritten Signatures]
 being the person(s) authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.



(G) Council's Certificate under section 58(4) of the Strata Schemes Management Act 1996
 I certify that Council has approved the change of by-laws set out herein.
 Dated Signature of General Manager

Req:RD253716 /Doc:DL 7458575 /Rev:25-Jan-2002 /Sta:SC.OK/Ext:24-May-2002 12:16 /Pgs:19 /Ref:02/P0819 /Sze:E

ANNEXURE "X": STRATA PLAN NO. 52399 :
ADDITION TO AIR CONDITIONING BYLAW: (22554)

(1) **THAT** by special resolution pursuant to s 52 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

In respect of SPECIAL BYLAW NO 1: AIR CONDITIONING passed on 29 October 1998 registered at the Land Titles Office on 23 December 1998 in respect of the Lots specified in the Schedule below, the following further condition be added to that bylaw after condition (ix) which is entitled "INDEMNIFY OWNERS CORPORATION":

(ix1) **POWER USAGE**

- (A) The Owner shall not install or add any more electrical circuits to the electrical switch board of the Lot, other than the two electrical circuits installed for the Lot on registration of the strata plan;
- (B) The two electrical circuits referred to in (A) above, are not to be altered, added to or adjusted to provide any more than 40 AMPS of electricity to the Lot at any one time;

SCHEDULE

Lot nos having the benefit of this bylaw and this amendment:

Lots: 1, 3, 6, 10, 12, 13, 14, 17, 22, 23, 26, 28, 30, 31, 34, 35, 36, 37, 39, 44, 45, 51, 52, 53, 58, 66, 70, 71, 72, 73, 75, 79, 80, 84, 85, 86, 90, 107, 108, 113, 121, 122, 123, 137, 138, 142, 143, 144, 149, 150, 153, 156, 158, 160, 161, 165, 167 & 171.

SP52399.ANX

Alex Ilkin & Co, solicitors, 3/13 Morts Road Mortdale Ph: 9580-9199



Reg:RD253716 /Doc:DL 7458575 /Rev:25-Jan-2002 /Sta:SC.OK/Pr:24-May-2002 12:16 /Pgs:19
/Ref:02/P0819 /Src:E

ANNEXURE "A": STRATA PLAN NO. 52399:
AIR CONDITIONING (F: 2499): CHENG & YU PTY LTD

- (1) **THAT** by special resolution pursuant to s 52 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

"SPECIAL BYLAW NO. 10

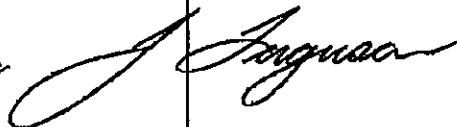
(a) **DEFINITIONS**

- (i) In this bylaw, unless the content indicates otherwise, the following terms and expressions are defined to mean:

- (A) "Act" means the Strata Schemes Management Act 1996;
- (B) "Adjacent Common Property" means that part of the common property of the strata plan which is within 10cm of the Air Conditioner as defined herein;
- (C) "Air Conditioner" means the ducted or split system of air conditioning servicing the lot including the air conditioning unit, condenser/compressor and its ancillary ducts, pipes and electrical equipment;
- (D) "Works" means all or any maintenance, repair, renew or replacement the Owner undertakes in respect of the Air Conditioner;

- (ii) Whereby any terms used in this bylaw are defined in the Strata Schemes Management Act 1996, they will have the same meanings as those words have in the Act;

Alex Ilkin & Co, solicitors, 3/13 Morts Road Mortdale Ph: 9580-9199

X
JP 

Page 2

(b) RIGHTS AND CONDITIONS

The owner for the time being of the lot specified in the Schedule ("the Owner") is conferred with the special privilege in respect of common property to install an Air Conditioner SUBJECT TO the due observance and performance by the Owner with the following conditions:

(i) LOCATION OF AIR CONDITIONER

- (A) The Owner shall have installed a Teco Brand 2.5 HP, 5860 W Reverse Split System internal unit within the boundaries of the Lot;
- (B) The Owner shall locate the condenser of the Air Conditioner of dimensions 86cm x 34cm x 70cm on the south eastern balcony of the Lot, in the position marked by hatching in annexure "A1";

(ii) LICENSED CONTRACTOR

The Owner shall undertake the installation of the Air Conditioner by a contractor who is duly licensed according to the provisions of the Building Services Corporation Act 1989 (NSW);

(iii) INSTALLATION TIMES

The Owner shall install the Air Conditioner so as to cause minimum disturbance and inconvenience to other residents of the strata scheme and only between the hours of 8.00 am and 5.00 pm.

Alex Ilkin & Co, solicitors, 3/13 Morts Road Mortdale Ph: 9580-9199

X


Page 3

(vi) AIR CONDITIONER MAINTENANCE:

The Owner shall maintain the Air-Conditioner in a state of good and serviceable repair and for this purpose, shall renew or replace it whenever considered reasonably necessary by the owners corporation;

(v) COMMON PROPERTY MAINTENANCE:

The Owner shall be responsible for the proper maintenance and keeping in a state of good and serviceable repair the Adjacent Common Property;

(vi) RUN-OFF

The Owner shall dispose of any condensation and run-off from the Air-Conditioner, so as not to cause nuisance to any person or damage to the common property;

(vii) NOISE

The Owner must not operate the Air Conditioner or allow it to be operated if the occupant of another lot is being unreasonably disturbed by noise or vibration for its operation;

(viii) DAMAGES

The Owner shall repair any damage to the common property caused by her/him or his agents or contractors in the course of undertaking any

Dr J. Jorgensen

Page 4

obligations under this bylaw;

(ix) INDEMNIFY OWNERS CORPORATION

The Owner shall keep the owners corporation indemnified against:

- (A) any claims made against or expenses incurred by the owners corporation and arising out of or caused by the Works, or the use or maintenance of the air conditioner; and
- (B) any liability for damage to the Air Conditioner caused by the owners corporation in undertaking any work referred to in s 65 of the Act or in exercising the power of entry conferred by that section;

(x) REMOVAL OF CIRCUIT

The Owner shall remove the third electrical circuit (providing about 20 AMPS to the Lot) from the electrical switchboard of the Lot (leaving only 2 x 20 AMP circuit to service the Lot) within 7 days of the passing of this bylaw so as to have use of only 40 AMPS for the Lot thereafter;

(xi) CASING

The Owner shall at all times have the condenser/compressor encased in a metal casing facing in a southerly direction of a colour to match the adjoining common property brickwork, a copy of which casing style is shown in annexure "A2";

Alex Ilkin & Co, solicitors, 3/13 Morts Road Mordialloc Ph: 9580-9199

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JT 

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(xii) ROOF REPAIR

The Owner shall be responsible for a period of 5 years from 16/2/99 for the maintenance, repair, renewal and replacement of such part of the roof over Lot 4 in order to prevent water penetration into the Lot, on which date the roof was the subject matter of repairs by the Owner, prior to which time a previous condenser/compressor had earlier been located on the roof with pipework penetrating the roof structure;

(xiii) BYLAW BREACH:

Without prejudice to the other rights of the owners corporation, where the Owner fails or neglects to carry out any condition referred to herein then the owners corporation or its agents, servants or contractors may carry out such condition and may enter upon any part of the parcel for that purpose at any reasonable time on notice given to any occupier or Owner of any part of the parcel and may recover the costs of fulfilling such condition as a debt from the Owner.*

SCHEDULE

Lot No having the benefit of this bylaw:

Lot 4 only.

SP52399.AN2

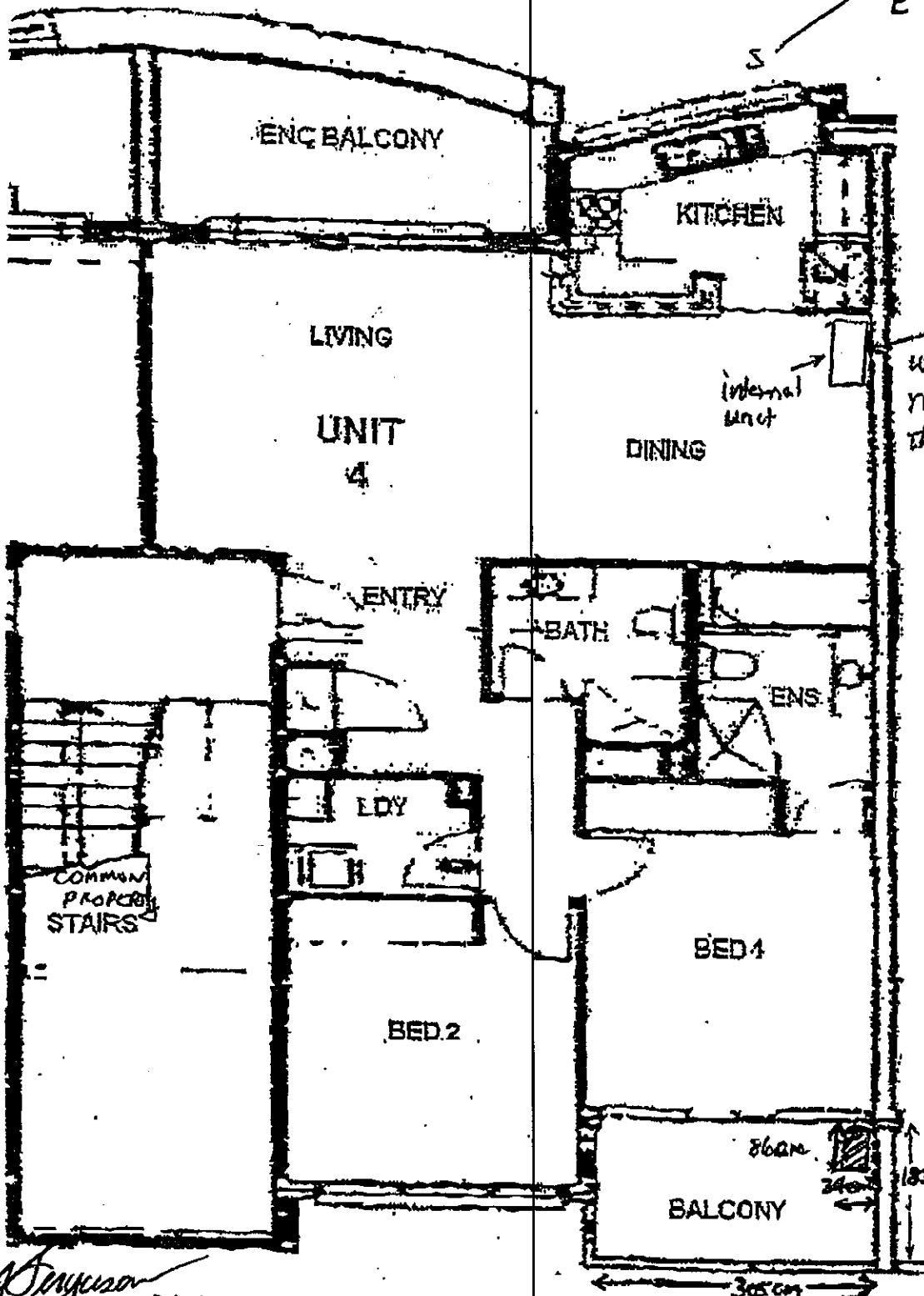
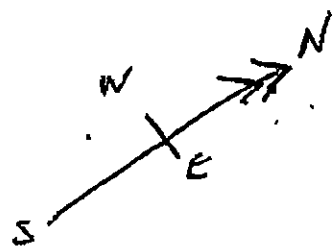
Alex Ilkin & Co, solicitors, 3/13 Morts Road Morrdale Ph: 9580-9199



Req:RD253716 /Doc:DL 7458575 /Rev:25-Jan-2002 /Sts:9C.OK/Prt:24-May-2002 12:16 /Pgs:19 /Ref:02/P0819 /Src:E

A1

SP S2399



Copper piping with insulation running inside the ceiling

internal unit

COMMON PROPERTY STAIRS

X. J. [Signature]

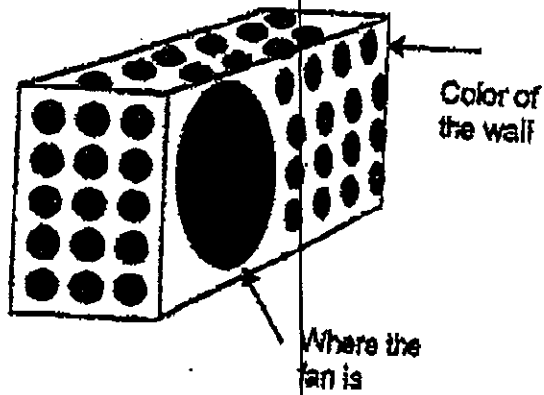


= Air Conditioning

Condenser = 86cm x 34cm x 70cm (4)

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/Ref:02/P0819 /Src:E

"A2"



X
JF
J. Ferguson

ANNEXURE "Y": STRATA PLAN NO. 52399:
SECOND AIR CONDITIONING BYLAW (F: 2555)

- (i) **THAT** by special resolution pursuant to s 52 of the Strata Schemes Management Act 1996 (NSW) ("the Act") the following addition be made to the bylaws applying to the strata scheme and that notification of this change to the bylaws be lodged for registration in accordance with s 48 at the Registrar-General's Office:

"SPECIAL BYLAW NO.11

(a) **DEFINITIONS**

- (i) In this bylaw, unless the content indicates otherwise, the following terms and expressions are defined to mean:

(A) "Act" means the Strata Schemes Management Act 1996;

(B) "Adjacent Common Property" means that part of the common property of the strata plan which is within 10cm of the Air Conditioner as defined herein;

(C) "Air Conditioner" means the ducted or split system of air conditioning servicing the lot including the air conditioning unit, condenser/compressor and its ancillary ducts, pipes and electrical equipment;

(D) "Works" means all or any maintenance, repair, renew or replacement the Owner undertakes in respect of the Air Conditioner;

- (ii) Whereby any terms used in this bylaw are defined in the Strata Schemes Management Act 1996, they will have the same meanings as those words have in the Act;

Alex Ilkin & Co, solicitors, 3/13 Morts Road Mortdale Ph: 9580-9199



Page 2

(b) RIGHTS AND CONDITIONS

The owner for the time being of the lot specified in the Schedule ("the Owner") is conferred with the special privilege in respect of common property to install an Air Conditioner SUBJECT TO the due observance and performance by the Owner with the following conditions:

(i) BEFORE INSTALLATION

Prior to installing the Air Conditioner the Owner shall submit to the executive committee plans and specifications in respect of the Air Conditioner containing details of the:

- (A) type of Air Conditioner;
- (B) size;
- (C) colour;
- (D) material; and
- (E) location

AND obtain the written approval of the executive committee before installing the Air Conditioner. The executive committee may in its absolute discretion specify in its written approval what reasonable alterations to the plans and specification is required and the Owner must comply with those alterations;

(ii) LICENSED CONTRACTOR

The Owner shall undertake the installation of the Air Conditioner by a contractor who is duly licensed according to the provisions of the Building Services Corporation Act 1989 (NSW);

Alex Ilkin & Co, solicitors, 3/13 Morts Road Morrdale Ph: 9580-9199



Page 3

(iii) INSTALLATION TIMES

The Owner shall install the Air Conditioner so as to cause minimum disturbance and inconvenience to other residents of the strata scheme and only between the hours of 8.00 am and 5.00 pm.

(vi) AIR CONDITIONER MAINTENANCE:

The Owner shall maintain the Air-Conditioner in a state of good and serviceable repair and for this purpose, shall renew or replace it whenever considered reasonably necessary by the owners corporation;

(v) COMMON PROPERTY MAINTENANCE:

The Owner shall be responsible for the proper maintenance and keeping in a state of good and serviceable repair the Adjacent Common Property;

(vi) RUN-OFF

The Owner shall dispose of any condensation and run-off from the Air-Conditioner, so as not to cause nuisance to any person or damage to the common property;

(vii) NOISE

The Owner must not operate the Air Conditioner or allow it to be operated if the occupant of another lot is being unreasonably disturbed by noise or vibration for its operation;



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Page 5

(x) **BY-LAW BREACH:**

Without prejudice to the other rights of the owners corporation, where the Owner fails or neglects to carry out any condition referred to herein then the Owners Corporation or its agents, servants or contractors may carry out such condition and may enter upon any part of the parcel for that purpose at any reasonable time on notice given to any occupier or Owner of any part of the parcel and may recover the costs of fulfilling such condition as a debt from the Owner.

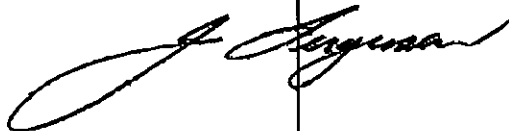
SCHEDULE

Lot Nos having the benefit of this by-law:

- Lots 4, 5, 7, 8, 9, 11, 15, 18, 19, 21, 24,
- 32, 34, 38, 40, 41, 43, 46, 47, 48, 49, 54,
- 55, 56, 60, 61, 62, 63, 64, 65, 68, 69, 74,
- 76, 77, 78, 82, 83, 87, 88, 89, 91, 92, 93,
- 97, 98, 100, 101, 102, 103, 104, 105, 106,
- 110, 112, 116, 117, 118, 124, 125, 126,
- 128, 129, 130, 132, 133, 139, 140, 141,
- 145, 146, 148, 151, 152, 154, 155, 157,
- 159, 162, 163, 164, 168, 169, 170, 172 &
- 173

.....

SP52399_ANY:B



Alex Ilkin & Co, solicitors, 3/13 Morts Road, Mortdale Ph: 9580-9199

