



AH6938A

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

**CHANGE OF BY-LAWS** LETTERS use only  
New South Wales

Strata Schemes Management Act 1996 *Do not affix additional pages here:*  
Real Property Act 1900 *use the left hand corner*

**PRIVACYNOTE:** Section 31B of the Real Property Act 1900 (RPAct) authorizes 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** CP/SP52948

(B) <b>LODGED BY</b>	Delivery Box	Name, Address, or DX and Telephone	<b>CB</b>
	392C	392 C SYDNEY LEGAL AGENTS LLP: 128005 Y <i>Teys/SP52948</i>	

(C) The Owners-Strata Plan No. 52948 certify that pursuant to a resolution passed on 7 May 2012 and in accordance with the provisions of –

- (D)
- ~~section 54 of the Community Land Management Act 1989~~
  - ~~section 11 of the Strata Schemes (Freehold Development) Act 1973~~
  - section 52 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) Added Special By-Law 10 as full set out below.

(See Annexure)

(F) The common seal of The Owners-Strata Plan No 52948 was affixed on 18/03/2012 in the presence of

Signature(s) *Delisha Leanne*

Name(s) [use block letters] DELISHIA LEANNE

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



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## ANNEXURE TO CHANGE OF BY-LAWS

### STRATA SCHEME 52948

#### Motion for an Additional By-Law

The Owners Strata Plan No. 52948 (the "Owners Corporation") by SPECIAL RESOLUTION, pursuant to Section 52 of the *Strata Schemes Management Act 1996*, make an additional by-law for the benefit of the Owner from time to time of Lots 136 and 137 (the "Owner") in the following terms:

#### SPECIAL BY-LAW NO.10

#### LOT 136 AND LOT 137 IMPROVEMENTS

1. This by-law confers on the Owner special privileges in respect of part of the common property as a consequence of the Improvements to be made to the Owner's lot.
2. The special privileges conferred by this by-law are the rights to alter and use the common property by making Improvements that affect the common property.
3. "Improvements" means the alterations and additions undertaken by the Owner (at the Owner's cost and to remain the Owner's fixture) to remove part of the common wall separating the dining and living room areas of Lot 136 and Lot 137, as described in the structural engineering report and drawing prepared by Murdocca & Associates Pty Ltd dated 14 January 2012, annexed to this by-law and marked "A".
4. The Owners Corporation acknowledges that other aesthetic works are being undertaken by the Owner that do not affect common property and do not require the consent of the Owners Corporation.
5. The Owners Corporation, under this by-law, provides its consent for the special privileges granted to the Owner.
6. To the extent of any inconsistency with previous by-laws, this by-law prevails.

#### Conditions

##### *Before making Improvements*

7. The Owner must obtain written approval for the Improvements from the relevant consent authority under the *Environmental Planning and Assessment Act 1979* (if required) and any other relevant statutory authority whose requirements apply to making the Improvements.
8. The Owner must ensure that any party carrying out the Improvements effects and maintains contractors all works insurance, workers compensation insurance and public liability insurance in the amount of \$10,000,000 and provides certificates of currency evidencing the insurance on request by the Owners Corporation.

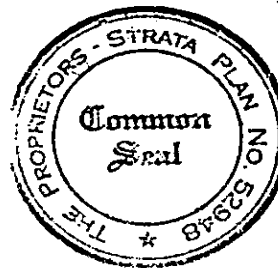
The common seal of The Owners-Strata Plan No 52948

was affixed on 16/05/2012 in the presence of

Signature(s) 

Name(s) [use block letters] DELISIA LEANAGE

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




9. The Owner must submit to the Owners Corporation the following documents relating to the making the Improvements prior to obtaining written approval from the Owners Corporation:
- (a) plans and drawings;
  - (b) specifications of work; and/or
  - (c) any other documents reasonably required by the Owners Corporation.
10. The Owner must ensure that the Improvement comply with the standards as set out in the Building Code of Australia (BCA) current at the time the documents relating to the making of the Improvements are submitted to Owners Corporation.

*Carrying out the Improvements*

11. In carrying out the Improvements, the Owner 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 lot from damage by making the Improvements or the transportation of construction materials, equipment, debris;
  - (c) keep all areas of the building outside their lot clean and tidy throughout the performance of making the Improvements;
  - (d) only make the Improvements 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 making the Improvements 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 making the Improvements
12. The Owner must ensure that the Improvements shall be done:
- (a) in a proper and workmanlike manner and by duly licensed contractors; and
  - (b) in accordance with the drawings and specifications approved by the local council and the Owners Corporation.

The common seal of The Owners-Strata Plan No 52948 was affixed on 16/05/2012 in the presence of

Signature(s) 

Name(s) [use block letters] DELISHIA LEVERAGE  
being the person(s) authorised by section 238 of the Strata Schemes Management Act 1996 to attest the affixing of the seal.



*After completing the Improvements*

13. The Owner must deliver to the Owners Corporation the following documents relating to the Improvements:
- (a) certification by an engineer nominated by the Owners Corporation as to the structural integrity of the Improvements and the building (if required); and
  - (b) any other document reasonably required by the Owners Corporation.
14. The Owner must, at the Owner's cost:
- (a) properly maintain and keep the common property to which the Improvements are erected or attached in a state of good and serviceable repair; and
  - (b) properly maintain and keep the Improvements in a state of good and serviceable repair and must replace the Improvements (or any part of them) as required from time to time.
15. The Owner may at any time reverse and restore the Improvements made under this by-law to reparate Lots 136 and 137 in accordance with the conditions applicable to making the Improvements under this by-law.

**Liability and Indemnity**

16. The Owner indemnifies the Owners Corporation against all loss and damage suffered by the Owner as a result of making the Improvements including the repair and maintenance of the Improvements and liability under section 65(6) of the *Strata Schemes Management Act 1996* in respect of repair of the common property attached to the Improvements.
17. Any loss and damage suffered by the Owners Corporation as a result of making the Improvements may be recovered from the Owner as a debt due to the Owners Corporation on demand with interest at the rate of 10% per annum until the loss and damage is made good.
18. To the extent that section 62(3) of the *Strata Schemes Management Act 1996* is applicable, the Owners Corporation determines it is inappropriate to maintain, renew, replace or repair the Improvements proposed under this by-law.
19. The Owner must pay the reasonable costs of the Owners Corporation of and incidental to the making and registering of this by-law.

The common seal of The Owners-Strata Plan No 52948

was affixed on 16/05/2012 in the presence of

Signature(s) *DeLishia Leverage*

Name(s) [use block letters] DELISHIA LEVERAGE

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



### Annexure A

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**MURDOCCA & ASSOCIATES PTY LTD**

ABN 41 002 604 882

**CONSULTING ENGINEERS****STRUCTURAL & CIVIL**

PRINCIPAL : V P MURDOCCA, BE (Hons), M Eng Sc, FIE Aust, CPEng

144 EPPING ROAD  
NORTH RYDE NSW 2113

PO BOX 643

NORTH RYDE BUSINESS CENTRE

NORTH RYDE NSW 1670

PHONE (02) 9878 0038  
FACSIMILE (02) 9870 7506  
EMAIL [mapl@murdocca.com.au](mailto:mapl@murdocca.com.au)



Reference: 4671-a

Date: January 14, 2012

To: The Owners of SP 52948

C/- Raine & Horne Strata – Sydney  
PO Box 881  
Epping NSW 1710

Attention: Simon Wicks  
Strata Manager

Re: 1-15 Fontenoy Road  
North Ryde NSW 2113  
Unit 136 and 137  
Proposed Access - Wall Opening

We refer to the above premises and the proposal by the owners of Units 136 and 137 to remove part of the wall which separates the two adjoining Living/Dining rooms.

The wall is a rendered brickwork wall of overall thickness 100mm. It is a divisional wall between the two units and is not load-bearing.

The attached drawing dated January 2012 defines the extent of the proposed demolition works.

We confirm that the proposed works will not compromise the structural adequacy of the building.

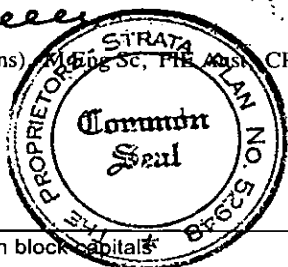
Demolition of the wall should commence after vertical saw cuts are provided at the extremities of the wall to be removed - as shown on the above-referenced drawing.

Confirmation that no electrical or other services are located within the wall zone to be demolished should be established prior to commencement of any works.

Please contact the undersigned in relation to any queries.

Yours faithfully  
MURDOCCA & ASSOCIATES PTY LTD

*V.P. MurdoCCA*  
V P MURDOCCA; BE (Hons), M Eng Sc, FIE Aust, CPEng  
(PRINCIPAL)



The common seal of The Owners-Strata Plan No 52948  
was affixed on 16/05/2012 in the presence of

Signature(s) *Delishia Leana*

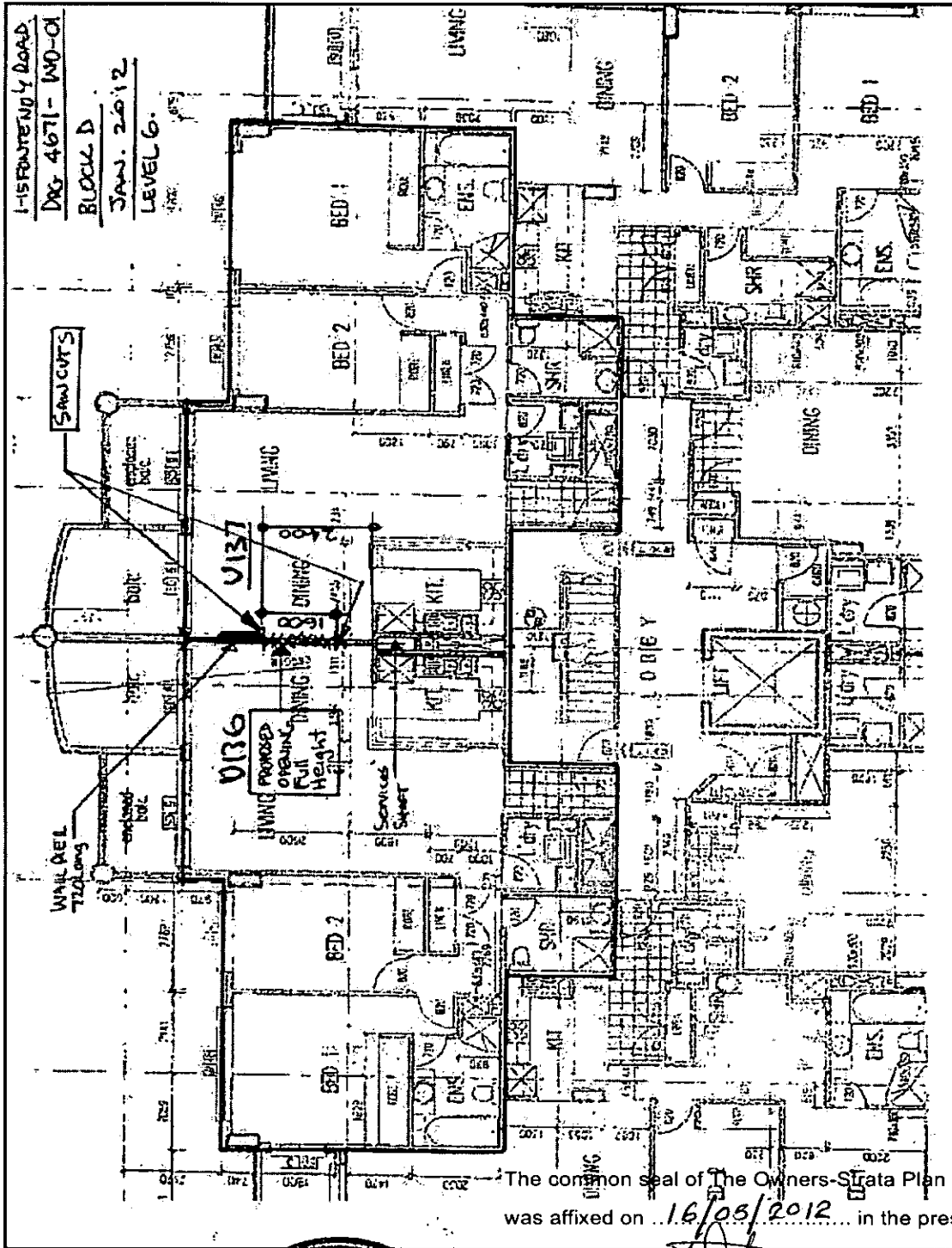
Name(s) [use block letters] DELISHIA LEANA

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

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All handwriting must be in block capitals

Department of Lands  
Land and Property Information Division



The common seal of The Owners-Strata Plan No 52948 was affixed on 16/05/2012 in the presence of

Signature(s) *Leana*

Name(s) [use block letters] DELISHIA LEANAGE

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



All handwriting must be in block capitals

Department of Lands  
Land and Property Information Division