

STRATA SCHEME 52948

MOTION **//INSERT NUMBER//**

The Owners – Strata Plan No. 52948 SPECIALLY RESOLVES pursuant to sections 108 and 143 of the *Strata Schemes Management Act 2015* (“**Act**”) to:

1. Authorise the Owner of Lot 79 to add to, alter and erect new structures on the common property by carrying out the Works (as that term is defined in the Special By-Law set out below), subject to the terms and conditions of the Special By-Law set out below; and
2. Grant the Owner of Lot 79 the exclusive use of the Exclusive Use Area (as that term is defined in the Special By-Law set out below),

subject to the terms and conditions of the Special By-Law set out below, and to make a by-law on the terms and conditions of the Special By-Law set out below, and that notification of this change to the by-laws be lodged for registration in accordance with section 141 of the Act at the Registrar-General's Office.

Motion required by: CHARBEL IBRAHIM, the Owner of Lot 79.

Explanatory note: This is a motion authorising renovation works to be undertaken by the Owner of Lot 79.

Special By-law **//insert//**

By-law to authorise the owner of Lot 79 to add to, alter and erect new structures on the common property and exclusive use

PART 1 DEFINITIONS & INTERPRETATION

1. In this by-law:
 - (a) **Authority** means any relevant government, semi government, statutory, public or other authority having any jurisdiction over the Lot.
 - (b) **Insurance** means:
 - (i) contractors all risk insurance with an authorised insurer (incorporating cover against public risk in respect of claims for death, injury, accident and damage occurring in the course of or by reason of the Works to a minimum of \$10,000,000);
 - (ii) insurance required under the *Home Building Act 1989*, which if permissible by the insurer must note the Owners Corporation as an interested party; and
 - (iii) workers compensation insurance as required by law.
 - (c) **Lot** means lot 79 in strata scheme 52948.
 - (d) **Owner** means the owner of the Lot from time to time.
 - (e) **Owners Corporation** means the owners corporation created by the registration of strata plan registration no. 52948.
 - (f) **Works** means all building works and all related services supplied to effect the renovation in accordance with the following:

- (i) scope of works, annexed to this by-law and marked Annexure “A”; and
 - (ii) structural certification prepared by Sabbagh Engineering Consultancy Pty Ltd dated 3 June 2024, annexed to this by-law and marked Annexure “B” (**Structural Certification**).
- (g) **Exclusive Use Area** means the common property areas reasonably required to keep the Works.
2. In this by-law 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 2015*; and
 - (d) references to legislation includes references to amending and replacing legislation.

PART 2 GRANT OF RIGHT

- 1. The Owner is authorised to add to, alter and erect new structures on the common property to carry out the Works.
- 2. The Owner has the exclusive use of the Exclusive Use Area.

PART 3 CONDITIONS

PART 3.1 Before commencement

- 1. Before commencement of the Works the Owner must:
 - (a) obtain all necessary approvals from any Authorities and provide a copy to the Owners Corporation;
 - (b) effect and maintain Insurance for the duration of the Works being carried out, and provide a copy to the Owners Corporation; and
 - (c) ensure that this by-law is registered in accordance with section 141 of the *Strata Schemes Management Act 2015* at the Registrar-General's Office.

PART 3.2 During construction

- 2. Whilst the Works are in progress the 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 and comply with the current National Construction Code of Australia and the Australian Standards and the law;
 - (c) use reasonable endeavours to cause as little disruption as possible;
 - (d) perform the Works during times reasonably approved by the Owners Corporation;

- (e) perform the Works within a reasonable period of time from their commencement or such other period as reasonably approved by the Owners Corporation;
- (f) transport all construction materials, equipment and debris in the manner reasonably directed by the Owners Corporation;
- (g) 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;
- (h) keep all affected areas of the common property outside the Lot clean and tidy, and removing all debris;
- (i) where any work undertaken includes waterproofing then the Owner must ensure that at their cost:
 - (i) the waterproofing is carried out in satisfaction of prevailing Australian waterproofing standards by a duly qualified and reputable applicator; and
 - (ii) that they produce to the owners corporation on completion of waterproofing, or within 14 days of being requested to do so, a 5 year warranty of fitness of materials and workmanship comprising the waterproofing from the applicator.
- (j) 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; and
- (k) not vary the Works without first obtaining the consent in writing from the Owners Corporation.

PART 3.3 **After construction**

- 3. After the Works have been completed the 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 by the Works and not permitted by this by-law have been rectified; and
 - (c) provide the Owners Corporation with a copy of any certificate or certification required by an Authority to certify the Works.

PART 3.4 **Enduring rights and obligations**

- 4. The Owner:
 - (a) is responsible for the ongoing maintenance of the alterations of, additions to and new structures erected on the common property resulting from the Works;
 - (b) is responsible for the proper maintenance of, and keeping in a state of good and serviceable repair, the Exclusive Use Area and the Works;
 - (c) must renew or replace the Works when necessary or when reasonably required by the Owners Corporation;
 - (d) remains liable for any damage to lot or common property arising out of the Works;
 - (e) must make good any damage to lot or common property arising out of the Works; and

- (f) must indemnify the Owners Corporation against any costs or losses arising out of the Works to the extent permitted by law.

ANNEXURE “A” Scope of Works

KITCHEN

- (a) Removal of existing fixtures and fittings including cabinetry, benchtops and sink;
- (b) Installation of new fittings and fixtures including cabinetry, benchtops and sink;

MAIN BATHROOM

- (c) Removal of existing fixtures and fittings including cabinetry, shower screens, toilet and vanities;
- (d) Installation of new fixtures and fittings including cabinetry, shower screens, toilet and vanities;
- (e) Removal of existing waterproofing membranes, floor and wall tiles and installation of new waterproofing membranes, floor and wall tiles;

ENSUITE BATHROOM

- (f) Removal of existing fixtures and fittings including cabinetry, bathtub, shower screens, toilet and vanities;
- (g) Installation of new fixtures and fittings including cabinetry, shower screens, toilet and vanities;
- (h) Removal of existing waterproofing membranes, floor and wall tiles and installation of new waterproofing membranes, floor and wall tiles;

LAUNDRY

- (i) Removal of existing fixtures and fittings including cabinetry and sink;
- (j) Installation of new fixtures and fittings including cabinetry and sink;
- (k) Removal of existing waterproofing membranes, floor and wall tiles and installation of new waterproofing membranes, floor and wall tiles;

THROUGHOUT THE LOT

- (l) Removal of existing wall mounted split air conditioner from the dining room of the Lot, and installation of a new wall mounted split air conditioner being approximately 900mm x 300mm x 200mm in the living room of the Lot;
- (m) Removal of existing external condenser unit from the balcony of the Lot, and installation of a new external condenser unit being approximately 800mm x 900mm x 2000mm to the existing location on the balcony of the Lot;
- (n) Removal of existing flooring in the kitchen, hallway and living room of the Lot, and installation of new floor tiles with acoustic underlay in the kitchen, hallway and living room of the Lot;
- (o) Removal of the existing partition wall being approximately 3000mm x 2500mm between kitchen and dining room in accordance with the Structural Certification;
- (p) Reconfiguration of power outlets, light fittings and tapware as required; and
- (q) All associated penetrations, piping, plumbing and electrical connections.

ANNEXURE "B"
Structural Certification

SEC REFERENCE: SEC-202428.

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STRUCTURAL REPORT & CERTIFICATION

FOR
REMOVAL OF WALL
WITHIN EXISTING UNIT
AT

**79/1-15 FONTENOY ROAD
MACQUARIE PARK NSW 2113**

Site inspection conducted on
Wednesday the 29th of May, 2023.

Inspection carried out by
Mr. Robert Sabbagh

OF
Sabbagh Engineering Consultancy Pty Ltd

The aim of this report is to represent the structural acceptability of the proposed land works of the removal of the wall within the existing unit at the above-mentioned address..

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2 –Existing Floor Plan (nts)



IMG 03

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3 – Details of Existing Wall to be Removed

The following images relates to the existing walls to be removed within the kitchen /dining area and the bedroom area of the property known as 79/1-15 Fontenoy Road MACQUARIE PARK.

- As commissioned by the owners of the afore-mentioned address; Sabbagh Engineering Consultancy Pty Ltd was engaged by for the purpose of investigating and reporting on the possibility of removing existing walls/support nibs within the unit.
- The wall to be removed is of a Single skin 110mm rendered brick. The wall acts as room separation/partition between kitchen and dining.

Wall to be removed NOT load bearing.

- 1- The wall Between the dining room and kitchen to be removed. Spanning approximately 2.5m in length. Upon inspection, after the removal of the cornices and further investigation, it was found that the wall was NOT being used as a load bearing support wall.
2. The wall to be removed was acting purely as a partition/dividing wall. This is typical with apartment construction where load bearing Support columns are constructed for the slabs then the walls constructed after separating the rooms. The slabs are bearing on columns and beams. In this case, the wall in to be removed is NOT supporting the slab as the images shown in the following section

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5 – Proposed Floor Plan (not to scale).



Unit 6/490 Merrylands Road MERRYLANDS NSW (+61)412 596 960

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6 – Recommendations for works relating to removal of existing wall.

The works are to be completed by qualified and experienced tradesmen. For example, The brickwork is to be removed and constructed by qualified and experienced brick layers. I do not support this work to be completed by any unqualified persons such as site laborers or apprentices.

While works are being completed, builder is to ensure water protective methods are in place at all times to stop any water entering the property (where required). I recommend a “poly tarp” or similar. It has an industrial strength property for water and moisture.

Please note, all works are to be completed by qualified and experienced tradesmen.

All works to be completed to the relating BCA standard.

Any damage caused Will need to be rectified on the costs of the builder or owner.

Once works have been completed, all sections will need to be made good as per details provided. The engineer will also need to be contacted for a final inspection and approval.

Progress inspections during demolition works will be required by the engineer or certifier.

If you wish to discuss anything regarding the above mentioned matter, please do not hesitate contact me.

Regards



Robert Sabbagh
Managing Director
Civil/Structural CPEng
B.Eng DipEngPrac (UTS) MIE Aust CPEng NPER-3 J.P

Unit 6/490 Merrylands Road MERRYLANDS NSW (+61)412 596 960

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7 - Summary & Certification

Dear Sir/Madam,

Monday, 3rd June, 2024.

**Re: PROPOSED RESIDENTIAL ALTERATION
CERTIFICATE OF STRUCTURAL DESIGN**

SUBJECT PREMISES 79/1-15 FONTENOY ROAD MACQUARIE PARK NSW

**SUBJECT Removal of Walls
within Kitchen and Bathroom**

Sabbagh Engineering Consultancy Pty Ltd was engaged for the purpose of investigating and reporting on the removal of a wall between kitchen and dining area. The inspection of the existing dwelling was completed on the morning of Wednesday, 29th June, 2024 by Me, Mr Robert Sabbagh.

At the time of inspection it was evident that the existing wall was NOT a load bearing wall.
The existing wall was serving as a dividing/partition wall.

Pursuant to the provisions of **Clause A2.2 of the Building Code of Australia**, I hereby certify that the above design recommendations is in accordance with normal engineering practice and will meet the requirements of the Building Code of Australia, Part 7 of the Environmental Planning and Assessment Regulations, relevant Australian Standards, as stated, and will be structurally adequate.

- **AS2870 (residential slabs and footings)**
- **AS3600 (Concrete Structure)**

Our Engineers are appropriately qualified and competent persons in this area and as such can certify that the design and performance of the design systems comply with the above and which are detailed on the report completed by SEC Pty/Ltd.

Yours Faithfully

Robert Sabbagh
Managing Director
Civil/Structural CPEng
B.Eng DipEngPrac (UTS) MIE Aust CPEng NPER-3 J.P
Dated 3/06/2024

CONSENT TO SECTION 108 AND COMMON PROPERTY RIGHTS BYLAW

Section 108 and 143 of the Strata Schemes Management Act 2015

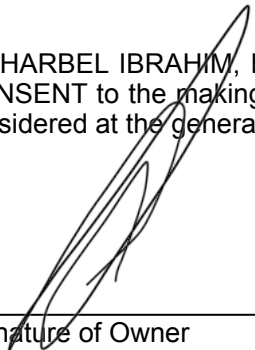
To:

The Secretary
The Owners - Strata Plan No. 52948
C/- Waratah Strata Management
PO Box 125
Eastwood NSW 2113

AND

Registrar General
NSW Land Registry Services
Level 30/175 Liverpool Street
Sydney NSW 2000

I, CHARBEL IBRAHIM, being the owner of Lot No. 79 in Strata Plan No. 52948, HEREBY
CONSENT to the making of a common property rights by-law in respect of Lot No. 79 to be
considered at the general meeting immediately following the date of this consent.



Signature of Owner

15/08/2024
Date