

THE OWNERS CORPORATION STRATA PLAN NO. 61139

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE OWNERS OF
STRATA PLAN NO. 61139 HELD ON MONDAY 31ST AUGUST, 2015 AT ST MATTHEWS
CHURCH HALL, THE CORSO, 1 DARLEY ROAD, MANLY AT 7.00PM.**

- PRESENT:** Mrs S Parker, Mr D Mockler, Mr R Davison, Mrs P Mulvogue,
Mr D and Mrs F Glading, Mr A Westacott, Ms D Sibson, Mrs J Robertson,
Ms L Wareham, Mrs S Stow, Mrs Z Dybac, Mr A & Mrs V Longfellow, Mrs M Lindsay,
Mrs J Robert, Mr M & Mrs M Taylor, Mr R & Mrs R Stone, Mr J & Mrs M Legaz,
Mr G Brown and Mr M Hawkins.
- PROXIES:** Mr V Parker (Lot 9) in favour of Mrs S Parker.
Mr K Grey (Lot 27) in favour of the Chairman.
Mr D & Mrs N Richards (Lot 42) in favour of Mr G Brown.
Shorty Holdings Pty Limited (Lot 46) in favour of Mr D Glading.
Mr L Fairlie (Lot 82) in favour of the Chairman.
Mr E Martinez De Morentin & Ms P Prescilla (Lot 111) in favour of the Chairman.
Mrs S Filewood (Lot 117) in favour of Mr D Galding.
- IN ATTENDANCE:** Mr P Robert, Mr T Strati (Building Manager) and Ms N Hopkins (Lamb & Walters).
- CHAIRMAN:** Mr G Brown.
- 1. MINUTES:** **Resolved** that the Minutes of the reconvened Annual General Meeting held on 8/4/15 be confirmed as a true and accurate record of the proceedings of that meeting.
- 2. FINANCIAL STATEMENT:** **Resolved** that the audited Financial Statements to 30th June 2015 as presented be adopted.
- 3. BUDGET:** **Resolved** that the Proposed Budget as presented be adopted without amendment and that contributions be determined as follows:
- (a) Administrative Fund
That contributions to the Administrative Fund are estimated in accordance with section 75 (1) of the Strata Schemes Management Act, 1996 (the Act) and determined in accordance with section 76 (1) of the Act at \$220,000.00 + GST per annum; and

- (b) Sinking Fund
That contributions to the Sinking Fund are estimated in accordance with section 75 (2) of the Act and determined in accordance with section 76 (1) of the Act at \$290,165.00 per annum.
- (c) Due dates
That contributions be paid quarterly and instalments being due 1/11/15, 1/2/16, 1/5/16 & 1/8/16.

4. EXECUTIVE COMMITTEE:

Resolved that the number of members of the Executive Committee be nine (9) and that the following Owners were elected until the next Annual General Meeting:

Mr G Brown
Mr D Glading
Mr R Stone
Mrs S Parker
Mr F de Morentin
Mrs Z Dybac
Ms L Wareham
Mrs S Stow
Mr P Brown

5. BMC REPS:

Specially Resolved that Mr G Brown be elected as Representative and Mr D Glading be elected as Sub Representative to the Building Management Committee (DP882673).

6. RESTRICTIONS ON EXECUTIVE COMMITTEE:

Resolved to place the following restriction on the Executive Committee until the next Annual General Meeting:
If expenditure on an unbudgeted item exceeds \$50,000.00 then an Extraordinary General Meeting is to be held.

7. INSURANCE:

- i. **Resolved** to confirm the insurances in place including Office Bearers cover of \$20,000,000 and Fidelity Guarantee cover of \$100,000.
ii. **Resolved** that the BMC Rep instruct the BMC of SP61139 request that a valuation be carried out at the next BMC General Meeting.

8. AUDITOR:

Resolved that an auditor be appointed by the Owners Corporation for the 2015/16 financial year.

9. BACK UP

GENERATOR:

Specially resolved that the Owners Corporation install a back up generator costing no more than \$100,000 and that the Executive Committee be authorised to review proposals and accept a quotation.

NB: The monies have been allocated in the Budget.

10. ACOUSTIC

WALKWAY & AWNING:

Resolved that the Executive Committee be authorised to review and execute the construction agreement for the covered acoustic walkway within the shared common area. Further resolved that consent be given to the lodgement of a DA for the installation of a replacement and an additional awning which is to be keeping with the aesthetics of the current awning but is to be constructed using an acoustic fabric.

11. LOT HEATING &

USE OF CAR SPACES

SPECIAL BY LAWS:

Specially resolved that the Owners Corporation pursuant to s.47 of the Strata Schemes Management Act 1996 to make additional by-laws in the following terms:

SPECIAL BY-LAW

Lot Heating

PART 1

DEFINITIONS AND INTERPRETATION

1.1 In this by-law:

- (a) Building Manager means a person or corporation appointed by the Owners Corporation as either a caretaker or onsite manager or some other person appointed for the purpose by the Owners Corporation.
- (b) Common Property means the common property in strata scheme 61139.
- (c) Common Property gas services means gas outlet systems on the common property in strata scheme 61139.
- (d) Executive Committee means the Executive Committee of the Owners Corporation or its nominee the Building Manager or Strata Manager.
- (e) Gas Outlet means a gas outlet system installed within the boundary of any Lot.

- (f) Gas Usage Costs means:
 - (i) the cost incurred by the Owners Corporation to supply gas to any Lot.
 - (ii) any additional Administration Fee associated with the charges referred to in clause 1.1(f)(i).
- (f) Lot means a lot in strata plan 61139.
- (g) Owner or Occupier means the owner or occupier of a Lot from time to time.
- (h) Owners Corporation means the Owners Corporation created by the registration of strata plans registration no. 61139.
- (i) Strata Manager means the person or entity appointed under the Strata Schemes Management Act 1996 to manage the business and maintain the records of the Owners Corporation.

1.2 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 1996;
- (d) references to legislation includes references to amending and replacing legislation; and
- (e) references to a government body which is not bound by this by-law which ceases to exist or whose power or function is transferred to another government body, is a reference to the government body which replaces or substantially succeeds to the power or the function of the first government body.

PART 2

CONDITIONS AND OBLIGATIONS

2.1 An Owner or Occupier must not, by wilful or negligent act or omission, do or permit anything to be done to cause any Gas Outlet inside a Lot to be used for any purpose other than cooking.

2.2 The Owners Corporation is entitled to recover from any Owner or Occupier any costs as a consequence of any breach of the terms of this by law.

2.3 Liability for costs will be determined at the absolute discretion of the Executive Committee based on fair and equitable principles.

2.4 An Owner or Occupier who contravenes the terms of this by-law otherwise indemnifies the Owners Corporation for any resulting loss.

2.5 The Owners Corporation may:

(a) demand payment from an Owner or Occupier for costs under this by-law including any enforcement costs and interest and recover this amount from the Owner or Occupier as a debt; and

(b) include reference to the debt on notices under section 109 of the Strata Schemes Management Act 1996.

3. An Owner or Occupier must not use any method of heating other than through use of electric power.

4. An Owner or Occupier must not tamper or attempt to interfere with common property gas services.

5. By-Law 33 is hereby revoked, on registration of this by-law.

Explanatory Note: This by-law makes the costs to the Owners Corporation of common property gas utility charges as a result of inappropriate use of same recoverable from a lot owner or an occupier of a lot.

(2)

SPECIAL BY-LAW

Use of Car Parking Spaces

Explanatory Note: The car parking spaces in the Strata Plan have become untidy and detracting from the overall appearance of that part of common property. It is deemed desirable to maintain the car parking spaces for vehicle use in addition to storage of other materials in an orderly and tidy manner at all times.

1.1 In this by-law:

(a) Building Manager means a person or corporation appointed by the Owners Corporation as either a caretaker or onsite manager or some other person appointed for the purpose by the Owners Corporation.

(b) Executive Committee means the Executive Committee of the Owners Corporation or its nominee being the Building Manager or Strata Manager.

(c) Lot means a lot in strata plan 61139.

(d) Owner or Occupier means the owner or occupier of a Lot from time to time.

(e) Owners Corporation means the Owners Corporation created by the registration of strata plans registration no. 61139.

(f) Car Parking Spaces means the parking spaces forming part of a Lot.

(g) Strata Manager means the person or entity appointed under the Strata Schemes Management Act 1996 to manage the business and maintain the records of the Owners Corporation.

1.2 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 1996; and

(d) references to legislation includes references to amending and replacing legislation.

PART 2

Rights and obligations regarding use of the car parking spaces

2.1 The Owner or Occupier must:

(a) only use the car parking spaces to park, stand a motor or other vehicle and for approved storage;

(b) remove any rubbish, debris, waste or the like and to ensure that the car parking spaces are left in a clean and orderly state;

(c) keep all personal property of whatever kind inside storage containers, to be approved by the Owners Corporation;

(d) present to the Owners Corporation a satisfactory description of any proposed storage containers;

(e) maintain any storage containers in a proper condition at all times;



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- (f) replace any storage containers upon reasonable request by the Owners Corporation;
- (g) take all reasonable steps to ensure that invitees of the Owner or Occupier comply with this by-law;
- (h) immediately report to the Executive Committee any damage or other maintenance issues in relation to the car parking spaces;
- (i) allow reasonable access to the car parking spaces by the Owners Corporation and its agents to reasonably ensure compliance with this by-law.

CLOSURE: As there was no further business the meeting closed at 7.55pm.

**MINUTES OF EXECUTIVE COMMITTEE MEETING
THE OWNERS – STRATA PLAN NO. 61139**

ADDRESS OF THE STRATA SCHEME: 9-15 CENTRAL AVENUE, MANLY NSW 2095

MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF THE OWNERS STRATA PLAN NO. 61139 HELD ON MONDAY 31ST AUGUST, 2015 IN THE COURTYARD, ST MATTHEWS CHURCH, THE CORSO, 1 DARLEY ROAD, MANLY AT 8.00PM.

PRESENT: Mr G Brown, Mr D Glading, Mr R Stone, Mrs S Parker, Mrs Z Dybac, Ms L Wareham, and Mrs S Stow.

IN ATTENDANCE: Mr T Strati and Ms N Hopkins of Lamb & Walters.

CHAIRPERSON: Ms N Hopkins occupied the chair.

MINUTES: Resolved that the previous Minutes of the Executive Committee Meeting held on 29/7/15 be confirmed at the next Executive Committee Meeting with the following amendment: Mr G Brown chaired the Meeting (not Mr G Stone).

OFFICE BEARERS: Resolved that:
Mr G Brown be re-elected as Chairman/Secretary.
Mr R Stone be re-elected as Treasurer.

NEXT MEETING: The next Executive Committee Meeting is to be held on Tuesday 10th November, 2015.

CLOSURE: As there was no further business the meeting closed at 8.10pm.