



19-23 Bridge Street  
Pymble NSW 2073

53 Sydney Road  
Manly NSW 2095

**Phone:** (02) 9449 8855

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## THE OWNERS CORPORATION STRATA PLAN NO. 61139

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### MINUTES OF THE ANNUAL GENERAL MEETING OF THE OWNERS OF STRATA PLAN NO. 61139 HELD ON WEDNESDAY 31<sup>ST</sup> AUGUST, 2016 AT ST MATTHEWS CHURCH HALL, THE CORSO, 1 DARLEY ROAD, MANLY AT 7.00PM.

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- PRESENT:** Mr O Isaacs, Mr D Mockler, Mr R Davison, Mr S & Mrs P Mulvogue, Mr P Brown (company nominee Shorty Holdings Pty Ltd), Mr D Glading (company nominee David Glading Nominees Pty Ltd), Mrs F Glading, Mr A Westacott, Mr J Wood, Mrs J Robertson, Mr G & Mrs S Stow, Mrs Z Dybac, Mr E Martinez, Mr R & Mrs R Stone, Mr J Legaz, Mr G Brown and Mr M Hawkins.
- PROXIES:** Mr B Vowels (Lot 2) in favour of the Chairman.  
Mr V & Mrs S Parker (Lots 9, 12 & 52) in favour of Mr G Brown.  
Unidemo Pty Ltd (Lots 28) in favour of Mr G Brown.  
Ms L Wareham (Lot 61) in favour of Mr G Brown.  
Mr F M Martinez de Morentin (Lot 96) in favour of Mr D Glading.  
Mr L Fairlie (Lot 82) in favour of the Chairman.  
Mr R & Mrs M Goff (Lot 88) in favour of Mr G Brown.  
G J & P M Moore Pty Ltd (Lot 98) in favour of the Chairman.  
Mrs M A McDonald (Lot 114) in favour of Mr D Glading.  
Mr P Keen (Lot 115) in favour of Mr D Glading.  
Mrs S Filewood (Lot 117) in favour of Mr D Glading
- IN ATTENDANCE:** Ms D Wilson, Mr T Strati (Building Manager) and Ms N Hopkins (Lamb & Walters).
- CHAIRMAN:** Mr G Brown.
- 1.MINUTES:** **Resolved** that the Minutes of the Extraordinary General Meeting held on 27/4/16 be confirmed as a true and accurate record of the proceedings of that meeting.

#### **Unit 229 Balcony Issue**

The Owner of Unit 229 addressed the meeting in relation to an ongoing leak from their balcony. He advised that if it is not rectified he will consider seeking resolution via NSW Fair Trading.

It was agreed that the overflow pipe needs to be lowered and would be carried out at a cost of \$300.00. It was also noted that the responsibility of keeping the balcony drains clear of debris which can cause the drains to block is the responsibility of the resident.



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**2. CHAIRMAN'S  
AGM ADDRESS:**

The Chairman addressed the Meeting (see attached).

**3. FINANCIAL  
STATEMENT:**

Resolved that the audited Financial Statements to 30<sup>th</sup> June 2016 as presented be adopted.

**4. 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 \$370,000 + 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 \$140,165.00 + GST per annum.
- (c) Due dates  
That contributions be paid quarterly and instalments being due 1/11/16, 1/2/17, 1/5/17 & 1/8/17.

**5. 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  
Mr F de Morentin  
Mrs S Stow  
Mr P Brown  
Mr J Legaz  
Mr O Isaacs  
Mr D Mockler

- 6.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).
- 7.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.
- 8.INSURANCE:** Resolved to confirm the insurances in place including Office Bearers cover of \$20,000,000 and Fidelity Guarantee cover of \$100,000.
- 9.AUDITOR:** Resolved that an auditor be appointed by the Owners Corporation for the 2016/17 financial year.
- 10.NEW CLEANING CONTRACT:** Resolved that the BMC Representative be instructed to vote in favour of the new cleaning contract but first review Clause 9.1.
- 11. CARPET**
- i. Resolved not to replace the common area carpet this financial year but replace the carpet next financial year (after 30<sup>th</sup> June 2017).
  - ii. This motion no longer relevant due to i.
  - iii. Resolved that a carpet sub committee of five (5) be elected. Two (2) Owners, Mr J Wood and Mrs J Robertson and three (3) Executive Committee members being Mrs S Stow, Mr O Isaacs and Mr F Martinez de Morentin were elected to make a presentation to the Executive Committee at a later meeting.
- 12. PROHIBITION OF SHORT TERM ACCOMMODATION:** Specially Resolved that pursuant to section 47 of the *Strata Schemes Management Act 1996 (NSW)* that the following by-law be made and lodged for registration with the Registrar-General under the common seal of the Owners Corporation.



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1. For the purpose of this by-law:

- 1.1. **"Act"** means the *Strata Schemes Management 1996* (NSW) as amended from time to time;
- 1.2. **"Building"** means the building and improvements on the land located at 9-15 Central Avenue, Manly NSW 2095;
- 1.3. **"Common Property"** means the common property in the Strata Plan;
- 1.4. **"Costs"** means all professional and trade costs/fees/disbursements incurred or associated with any damage caused as a result of the use of a Lot in breach of this by-law and includes Enforcement Costs;
- 1.5. **"Council"** means Manly Council, its administrators, successors and assigns, or any other organisation serving the same or similar function, and includes its employees and agents;
- 1.6. **"Development Approval"** means the Council's approval of development application no. DA315/96 for the Building and in particular approval condition no. 103 which states the following:  
*"103. The residential component of the development must be for permanent resident accommodation only and not for the purpose of any hotel, motel, serviced apartments, tourist accommodation or the like. Any alteration in the approved permanent residential accommodation will require separate approval from Council".*
- 1.7. **"Enforcement Costs"** means the costs associated with the enforcement of this by-law, including but not limited to the cost to the Owners Corporation engaging professional services including legal services;
- 1.8. **"Executive Committee"** means the executive committee elected by the Owners Corporation from time to time;
- 1.9. **"Indemnify"** means the Owner indemnifying the Owners Corporation in respect of their use of a Lot in breach of this by-law, which includes but is not limited to the following:
  - i. all actions, proceedings, claims, demands, costs, damages and expenses which may be incurred by, brought or made against the Owners Corporation;
  - ii. any sum payable by way of increased premiums; and
  - iii. any costs or damages for which the Owners Corporation is or becomes liable;
- 1.10. **"Lot"** means a lot in the Strata Plan;
- 1.11. **"Occupier"** means the legal occupier of a Lot from time to time, including the occupier's agent or employee;
- 1.12. **"Owner"** means the owner of a Lot from time to time, including the owner's agent or employee;
- 1.13. **"Owners Corporation"** means the owners corporation known as The Owners – Strata Plan No. 61139;
- 1.14. **"Residential Tenancy Agreement"** means an agreement under which an Owner or Occupier leases, sublets or licenses a Lot on a commercial basis for a period of 3 consecutive months or greater.

- 1.15. "Security Keys" means a key, magnetic card or other device or information used on the Common Property to:
- 1.15.1. open and close the security gates, doors, gates or locks; or
  - 1.15.2. operate alarms, security systems or communication systems.
- 1.16. "Short-Term Accommodation" means the provision of temporary accommodation on a commercial basis for a period less than 3 months, including but not limited to:
- 1.16.1. Backpackers' accommodation;
  - 1.16.2. Bed and breakfast accommodation;
  - 1.16.3. Hotel or motel accommodation;
  - 1.16.4. Serviced apartments;
  - 1.16.5. Private hotel;
  - 1.16.6. Boarding house;
  - 1.16.7. Tourist or visitor accommodation; and
  - 1.16.8. Any other short-term rentals, including but not limited to the use of online services such as Airbnb, Stayz, Gumtree or similar.
- 1.17. "Statutory Declaration" means a statutory declaration made by an Owner or Occupier in the form required by the Executive Committee having regard to the contents of this by-law;
- 1.18. "Strata Manager" means Lamb and Walters Strata Management or any other strata managing agent engaged by the Owners Corporation from time to time;
- 1.19. "Strata Plan" means registered strata plan number 61139;
- 1.20. "The Plan" means the Manly Local Environmental Plan 2013 as amended from time to time, including any succeeding instrument.
2. Where terms in this by-law are not defined, they have the same meaning those words are attributed under the Act.
3. Owners and Occupiers are prohibited from using, operating, or directly or indirectly facilitating the use of a Lot for Short-Term Accommodation, including by advertising the Lot or permitting the Lot to be advertised for Short-Term Accommodation.
4. If the Executive Committee reasonably believes an Owner or Occupier is using, operating, or directly or indirectly facilitating the use of a Lot for Short-Term Accommodation, the Owners Corporation, via the Executive Committee or Strata Manager, may:
- 4.1. Request that the Owner and/or Occupier provide evidence of their compliance with this by-law, including a copy of their Residential Tenancy Agreement or Council approval. Such evidence must meet the reasonable requirements of the Executive Committee, which may include a Statutory Declaration; and/or



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- 4.2. Notify Council of the potential breach of The Plan and the Development Approval and provide Council with all information and evidence needed to assist it to make a determination and take any necessary regulatory action; and/or
- 4.3. Exercise its legislative right to enforce this by-law, which may result in the issuing of a penalty order against the Owner and/or Occupier by the NSW Civil and Administrative Tribunal in the sum of \$5,500.00 (as at the date of registration of this by-law and subject to change); and/or
- 4.4. Enter upon any part of the Lot to carry out the necessary investigation to confirm the Owner or Occupier's compliance with this by-law; and/or
- 4.5. Refuse to provide additional Security Keys to an Owner or Occupier; and/or
- 4.6. De-activate an Owner or Occupier's Security Keys.
5. The Owner or Occupier is responsible for and will bear all Costs.
6. The Owner or Occupier must promptly repair any damage to any part of the Building directly or indirectly caused by the Owner or Occupier's breach of this by-law.
7. Where the Owners Corporation has incurred Costs on behalf of an Owner, the Owners Corporation may recover those Costs from the Owner, including charging those Costs to the Owner's lot account as if they were a contribution under the Act, with all the same rights of recovery to apply.
8. The Owner and/or Occupier will include a copy of this by-law in every Residential Tenancy Agreement.
9. The Owner Indemnifies and will keep Indemnified the Owners Corporation.

### 13. STRATA MANAGING

**AGENT:** Resolved that in accordance with section 27(1) of the Strata Schemes Management Act 1996 (Act) that:

- (a) Integrated Property Management Pty Ltd trading as Lamb & Walters (Agent) be re-appointed as strata managing agent of Strata Scheme No. 61139 for two (2) years;
- (b) The owners corporation delegate to the Agent all of the functions of:
  - i. The owners corporation (other than those listed in section 28(3) of the Act); and
  - ii. Its chairperson, treasurer, secretary and executive committee;



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- (c) The delegation to the Agent is subject to the conditions and limitations in the Strata Agency Agreement (Agreement); and
- (d) The owners corporation execute the Agreement to give effect to this appointment and delegation; and
- (e) Authority be given for the common seal of the owners corporation to be affixed to the Agreement by the secretary and any other member of the executive committee.

**14. SUB-DIVISION OF  
LOT 3 (MANLY DAILY)**

**IN DP882673:** Resolved that the BMC Representative in consultation with Mr R Stone be authorised to approve the Strata Plan of sub-division of Lot 3, DP882673 (Manly Daily) subject to further meetings of the BMC and legal advice. The proposal has little effect on SP61139, just a new door near the foyer lift.

**CLOSURE:** As there was no further business the meeting closed at 8.25pm.



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

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

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**MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF THE OWNERS STRATA PLAN NO. 61139 HELD ON  
WEDNESDAY 31<sup>ST</sup> AUGUST, 2016 AT ST MATTHEWS CHURCH, THE CORSO, 1 DARLEY ROAD, MANLY  
FOLLOWING THE ANNUAL GENERAL MEETING AT 8.25PM.**

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**PRESENT:** Mr G Brown, Mr D Glading, Mr R Stone, Mr O Isaacs, Mr J Legaz and Mrs S Stow.

**IN ATTENDANCE:** 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 3/8/16 be confirmed at the next Executive Committee Meeting with the following amendment: Mr P Brown was present.

**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 25<sup>th</sup> October, 2016 at 6.30pm.

**CLOSURE:** As there was no further business the meeting closed at 8.30pm.



**CHAIR'S AGM NOTE 2015/2016  
YEAR IN REVIEW**

This period was another busy year for your Executive Committee in it's endeavour to maintain the high standards we all have come to expect for Pacific Waves. Following are the major initiatives undertaken this year.

**Courtyard Licences.**

We successfully negotiated all 3 licences on behalf of the BMC. These are much more restrictive in terms of noise pollution and disruption. In addition, very significant licence fee increases were negotiated. After a tenuous start I can report that all fee payments are within credit terms and this will assist us in keeping our levies in line with expectations.

*(Committee members expended over 300 hours in the process.)*

**Covered Acoustic Walkway.**

We negotiated with the lot owner of the Insitu premises to construct the noise dampening walkway at their cost (\$100,000+) as part of their licence renewal. This involved serious negotiations with other courtyard licensees because they were going to be adversely affected. It was completed in November last and has proved a great success.

*(Committee members expended over 150 hours on this project).*

**Lot 1 (Insitu) Awning Membrane Replacement.**

We are continuing to negotiate replacement of the waterproof membrane with a new acoustic dampening fabric. This is proving a difficult process.

*(Committee members have expended over 15 hours on this to date).*

**Lot 2 (Ground Zero) Proposed Waterproof Awning.**

We have reviewed the plans , insisted on alterations and now have finalised an agreement to proceed, subject to receipt of satisfactory specifications. This project will assist in dampening the noise pollution from the licensed areas.

*(Committee members have expended over 15 hours on this project to date).*

**Failed Roof Membrane.**

A great deal of time was required by EC members in conjunction with the Building Manager to firstly locate and isolate the various water ingress points viz façade, doors and roof, secure quotations and recommend a lasting solution. At each stage we were hampered by severe storm activity but we are now in a position to proceed with long term repairs having secured a contractor and placed the work order.

*(Committee members expended over 100 hours on this project).*

### **Safety Railings.**

The Owners Corporation has long been exposed to liability claims because of some residents allowing guests access to the roof area and in most cases whilst inebriated. In addition we had a duty of care to contractors operating on the roof. The building manager in consultation with Committee members agreed to arrange construction of safety railings which are now visible from the courtyard area. *(Committee members expended over 20 hours on this project).*

### **Surf board Storage Facility.**

This project was successfully finalised under the supervision of the Building Manager. We now are sourcing a racking system to make the facility operable.

*(Committee members expended over 20 hours on this project).*

### **LED Lighting.**

The car park and stair well lighting project was completed resulting in significant power usage reductions.

*(Committee members expended over 20 hours on this project).*

### **Emergency Generator.**

A great deal of time has been put into this project with the Building Manager carrying most of the load. We now have a preferred site for the unit and hope to bring this project to completion within 2 months.

*(Committee members have expended over 20 hours on this project).*

### **Balcony Appearance.**

The subcommittee reviewed the balconies and produced a guideline document to ensure that the appearance of the building remain first class. The Building Manager is enforcing these guidelines.

*(Committee members expended over 50 hours on this project).*

### **Development Objections.**

This year 3 objections were prepared and presented to Manly Council two of which involved Committee members providing verbal testimony to the MIAP.

*(Committee members expended over 20 hours on these matters).*

### **Liquor Licence complaints.**

This year we initiated 3 complaints on behalf of residents regarding anti-social behaviour by 2 of the restaurants in our complex.

*(Committee members expended over 15 hours on these matters).*

### **Possible Carpet Replacement**

Samantha Stow has taken this project on board and has spent in excess of 40 hours to date finalising a project plan. Other committee members have contributed to a lesser degree.

*(Committee members have expended over 45hours on this project)*

#### **Treasury Function**

Our treasurer, Ray Stone reviews all accounts monthly and authorises invoice payments. Because of the inter relationship between the accounts of the Commercial strata and the BMC Ray monitors those accounts as well. I acknowledge that

*(Ray spends on average 20 hours per month on treasury matters. Other committee members spend around 5 hours per month as well on these matters.*

#### **Building Management Assistance.**

I wish to acknowledge the many hours per week provided by David Glading this year. His intimate knowledge of the complex has proved to be a very valuable resource.

#### **Balcony Refurbishment and Painting.**

This year we embarked on this project. Starting on level 8 we are now working on level 2. This evolved into a larger than expected project because of the damage to dividers which had to be repaired first.

#### **Façade Repair & Painting.**

We have determined to continue this year and repair/replace the building's polystyrene trim which is a magnet to Cockatoos and continue with the painting thereafter.

These items represent major time expenditure however much more time and effort is put into the well being of this building by all committee members on an ad hoc basis.

#### **Lot Owner Participation.**

I invite lot owners to consider participating in the management of the building by putting forward your name for election to the Executive Committee. Last year we welcomed two new faces. Please appreciate that participation is not a passive endeavour, members have and will be required to put in the hours to ensure an equitable distribution of functions.