

**NOTICE OF EXTRAORDINARY GENERAL MEETING
THE OWNERS – STRATA PLAN NO. 61139**

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

NOTICE OF BUSINESS TO BE DEALT WITH AT THE EXTRAORDINARY GENERAL MEETING OF THE OWNERS STRATA PLAN NO. 61139 TO BE HELD ON THURSDAY 30TH NOVEMBER, 2017 IN THE MANLY LIBRARY MEETING ROOM, MARKET PLACE, MANLY AT 7.00PM.

AGENDA

1. Confirmation of Minutes

That the Minutes of the Annual General Meeting held on 29/8/17 be confirmed as a true and accurate record of the proceedings of that meeting.

Explanation: The minutes of the last general meeting have been distributed to all owners and attached to this notice of meeting. This motion confirms the accuracy of the minutes and in the event that the minutes are in error owners can move the minutes be amended.

2. By-Law Review

That the Owners Corporation specially resolves to accept the By-laws currently in place and that the only amendments to be made pertaining to the updating of the references of the old legislation with the new legislation.

Explanation: The Owners Corporation must comply with its obligation under clause 4 of Schedule 3 of the Strata Schemes Management Act 2015 (NSW) to review the by-laws by 30 November 2017. If you require a copy of the by-laws please contact Strata Manager.

3. Rescind Carpet Budget Resolution

That the Owners Corporation rescind the following motion from the AGM:

CARPET REPLACEMENT: Resolved that the Owners Corporation approve the increase in the Budget to replace the carpets from \$125,000 + GST to \$153,000 + GST.

4. Carpet Budget Allocation

That the Owners Corporation approve up to the amount of \$175,000 for the carpet replacement.

5. Carpet Replacement Options

OPTION 1:

That the Owners Corporation replace the existing carpet with custom made carpet tiles on Levels 2, 3 & 4 and a broadloom carpet on levels 5, 6, 7 & 8.

NB: This is the preferred option of the majority of Strata Committee members.

OPTION 2:

That the Owners Corporation replace the existing carpet with a custom made broadloom carpet on all levels.

OPTION 3

That the Owners Corporation replace the carpet with carpet tiles on all levels.

OPTION 4:

That the Owners Corporation do not replace the carpet this year.

6. Carpet Replacement Colour Options

The carpet is going to be custom made so that the carpet tiles and broadloom are from the same run. Samples will be available for viewing on Level 2 from Thursday 23rd November.

COLOUR OPTION 1 – BROADLOOM AND PLANK COLOUR

That the Owners Corporation proceed with Colour Pacific Waves 1

COLOUR OPTION 2 – BROADLOOM AND PLANK COLOUR

That the Owners Corporation proceed with Colour Pacific Waves 2

COLOUR OPTION 3 – PLANK COLOUR

That the Owners Corporation proceed with Colour Pacific Waves 3

COLOUR OPTION 4 – PLANK COLOUR

That the Owners Corporation proceed with Colour Pacific Waves 4

If you are unable to attend personally please return the attached VOTING PAPER to our office 24hours prior to the meeting or you can send your proxy in favour of the Secretary or another Owner attending the meeting.

Strata Manager, Nikki Hopkins, nikki@lambandwalters.com.au or PO Box 95, Gordon NSW 2072,
Fax 9449 3992

Dated: 17/11/17

CARPET RELATED RESOLUTIONS

EXPLANATORY NOTES

In accordance with earlier advice the Strata Committee (SC) wishes to involve all lot owners in the decisions relating to recarpeting Pacific Waves communal areas.

Following the last AGM the SC have appointed a consultant who has undertaken a review of the building including (but not limited to) its current décor, ambiance and locality to determine communal flooring options that are suitable for the Pacific Waves building. Members of the SC met with the consultant on November 14th to review recommendations and agree on a selection of suitable, viable options that lot owners will be given the opportunity to vote on.

Firstly, lot owners will be asked to decide whether new carpeting should be purchased at all. ***The SC is aware that there are a few lot owners who have opinion that we should not replace the carpets at all however the overwhelming majority appear in favour of change.***

There will be four carpeting options presented to owners consisting of:

Two modular plank options, one of which was the previous carpet subcommittee's recommendation presented previously.

Two options consisting of custom made commercial quality carpet which can be manufactured in both broadloom and square tiles. Due to the customisable nature of this carpeting option we are able to have the product manufactured to our specific pattern design and colour so that there will be consistency throughout the building. ***These two options are those recommended by the majority of SC members.*** You will be asked to choose from two colour/pattern computer generated image samples to correlate with physical carpet samples.

With all options presented we have the flexibility to address higher traffic areas with more durable, easier maintenance options. You will be offered the opportunity to decide whether to split the carpeting process whereby the high traffic areas, levels 2,3 &4 will be recarpeted using carpet planks/tiles and levels 5,6,7 & 8 using traditional broadloom carpeting. ***This is the approach recommended by the majority of SC members.***

Carpet samples will be on display on level 2, Pacific Waves; this is to ensure you are reviewing the products within their final intended environment against hallway colour scheme and with the hallway lighting. Descriptive/ technical data notes will accompany each sample. The aim is to have the display in place no later than the 23rd of November but hopefully earlier for all lot owners to inspect and comment on. Our consultant will be on site on Saturday morning the 25th November from 10.00am for 1 hour to answer any questions which lot owners might have and will also be in attendance at the EGM on November 30th.

The voting process will include the option to return a voting form to Lamb & Walters prior to the EGM on November 30th by either email or hand delivered for those unable to attend in person. The vote will be a three step process:

- 1) Should we proceed with re-carpeting Yes/No

- 2) Reduce our four options: Owners are to select their preferred custom Broadloom/tile option and secondly to select their preferred modular plank option.
- 3) Select flooring configuration: a) custom broadloom/tiles split between high traffic and low traffic floors b) broadloom throughout c) modular planks throughout d) modular planks on high traffic floors and broadloom on low traffic floors.

A voting information package including the voting form will be despatched to you and additional forms will be available on site during the display period.

Lot owners will be asked to approve the new budget and to allow the SC to negotiate and finalise the contract terms on behalf of lot owners within the approved budget.

**STRATA PLAN NO. 61139
PRE-MEETING ELECTRONIC VOTING PAPER**

OWNERS, MORTGAGEES, COVENANT CHARGEES, PROXY HOLDERS, COMPANY NOMINEES please record your vote on the following slip by placing a tick in the box to indicate whether you approve or disapprove each of the motions.

Once completed, you must return a scanned copy of this voting paper to the following email address:

Once completed, you must return a copy of this voting paper to the following email address:

nikki@lambandwalters.com.au

Or by Post

TO The Secretary
The Owners – Strata Plan No. **61139**
c/- Lamb and Walters
PO Box 95
GORDON NSW 2072

The closing time for the ballot is 24 hours prior to the commencement of the meeting.

In accordance with the resolution of the Owners Corporation made at AGM 2017 and with clause 14(1) of the *Strata Schemes Management Regulation 2016* I cast the following votes on the motions proposed in the notice of meeting dated 30/11/17:

Motion 1 – Minutes	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Disapprove	
Motion 2 – By-law Review	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Disapprove	
Motion 3 – Rescind Carpet Budget	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Disapprove	
Motion 4 – New Carpet Budget	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Disapprove	
Motion 5 – Carpet Options	Option 1	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Disapprove
	Option 2	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Disapprove
	Option 3	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Disapprove
	Option 4	<input type="checkbox"/>	Approve	<input type="checkbox"/>	Disapprove

Cont.../

Motion 6 – Carpet Colour Options

Option 1 Approve Disapprove

Option 2 Approve Disapprove

Option 3 Approve Disapprove

Option 4 Approve Disapprove

NB: Carpet samples on display on Level 2 from 23/11/17.

DATED ____/____/2017

Signature:

Capacity: Owner / Mortgagee / Covenant Chargee / Proxy / Company Nominee (select one)

Name:

Lot / Unit:

Form 1 - Proxy appointment

Strata Schemes Management Act 2015

Date.....

I/Wethe owners of lotin Strata Plan No.....

appointof.....
as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings).

I/ We appoint.....of.....
as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings) if already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect for *1 meeting/*.....meetings/*1 month/.....*months/*12 months or 2 consecutive annual general meetings. [*Tick or tick and complete whichever applies]

Note: The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater.

1. This form authorises the proxy to vote on my/our behalf on all matters.

OR

2. This form authorises the proxy to vote on my/our behalf on the following matters only:
[Specify the matters and any limitations on the manner in which you want the proxy to vote.]

.....
.....

Delete paragraph 1 or 2, whichever does not apply.

3. If a vote is taken on whether (the strata managing agent) should be appointed or remain in office or whether another managing agent is to be appointed, I/we want the proxy to vote as follows:

.....
.....

Delete paragraph 3 if proxy is not authorised to vote on this matter. For example, read note 1 below.

4. I understand that, if the proxy already holds more than the permitted number of proxies, the proxy will not be permitted to vote on my/our behalf on any matters.

Signature of owner/s

.....

MEETING NOTES

Priority Votes (Required by clause 8(1)(e) of Schedule 1 of the Strata Schemes Management Act 2015)

Priority votes: A vote by an owner does not count if a priority vote is cast for the lot in relation to the same matter.

A "priority vote" is defined in clause 24 of Schedule 1 of the Strata Schemes Management Act 2015. It essentially means an owner's vote does not count if a vote is cast on the same motion by:

- The mortgagee shown on the strata roll for the lot;
- The covenant charge shown on the strata roll for the lot; or
- In the case of multiple mortgagees or covenant charges, the priority mortgage or charge shown on the strata roll for the lot,

but only applies to limited classes of motions, and only if prescribed conditions are met.

Voting by unfinancial owners, mortgagees or covenant chargees (Required by clause 8(1)(f) of Schedule 2 of the Strata Schemes Management Act 2015)

An unfinancial owner, mortgagee or covenant chargee cannot vote at a meeting on a motion (other than a motion requiring a unanimous resolution) unless payment has been made before the meeting of all contributions levied on the owner, and any other amounts recoverable from the owner, in relation to the lot.

Clause 23(8) of Schedule 1 of the Strata Schemes Management Act 2015 provides:

23(8) Voting rights cannot be exercised if contributions not paid

A vote at a general meeting (other than a vote on a motion requiring a unanimous resolution) by an owner of a lot or a person with a priority vote in respect of the lot does not count if the owner of the lot was an unfinancial owner at the date notice of the meeting was given and did not pay the amounts owing before the meeting.

Please note:

- (1) Cheques will be accepted on the basis that they are subject to clearance and on the basis that payment will not be considered made until the cheque clears.
- (2) Votes will not be counted, where there is an arrears, if the relevant owner has provided a cheque for the arrears and the cheque has not cleared prior to the commencement of the meeting.

4. Voting - (Required by clause 8(1)(g) of Schedule 1 of the Strata Schemes Management Act 2015)

Voting or other rights may be exercised in person (if the addressee is an individual) or by a company nominee (if the addressee is a corporation), or by a proxy appointed by the addressee.

Proxy delivery: The instrument is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation:

- (a) at least 24 hours before the first meeting in relation to which the instrument is to operate (in the case of a large corporation); or
- (b) at or before the first meeting in relation to which the instrument is to operate (in any other case).

Quorum - Clause 17, Schedule 1 - (Required by clause 8(1)(h) of Schedule 1 of the Strata Schemes Management Act 2015)

17 *Quorum*

(1) *Quorum required for motion or election*

A motion submitted at a meeting must not be considered, and an election must not be held at a meeting, unless there is a quorum present to consider and vote on the motion or on the election.

(2) *When quorum exists*

A quorum is present at a meeting only in the following circumstances:

- (a) *if not less than one-quarter of the persons entitled to vote on the motion or election are present either personally or by duly appointed proxy,*
- (b) *if not less than one-quarter of the aggregate unit entitlement of the strata scheme is represented by the persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election,*
- (c) *if there are 2 persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election, in a case where there is more than one owner in the strata scheme and the quorum otherwise calculated under this subclause would be less than 2 persons.*

(3) *A person who has voted, or intends to vote, on a motion or at an election at a meeting by a permitted means other than a vote in person is taken to be present for the purposes of determining whether there is a quorum.*

(4) *Procedure if no quorum*

If no quorum is present within the next half-hour after the relevant motion or business arises for consideration at the meeting, the chairperson must:

- (a) *adjourn the meeting for at least 7 days, or*
- (b) *declare that the persons present either personally or by duly appointed proxy and who are entitled to vote on the motion or election constitute a quorum for considering that motion or business and any subsequent motion or business at the meeting.*

(5) *Quorum for adjourned meeting*

If a quorum is not present within the next half-hour after the time fixed for the adjourned meeting, the persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election constitute a quorum for considering that motion or business and any subsequent motion or business at the meeting.

Notes on appointment of proxies:

1. This form is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which it is to operate (in the case of a large strata scheme) or at or before the first meeting in relation to which it is to operate (in any other case).
2. This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.
3. This form is current from the day on which it is signed until the end of the period (if any) specified on the form or the first anniversary of that day or at the end of the second annual general meeting held after that day (whichever occurs first).
4. If a person holds more than the total number of proxies permissible, the person cannot vote using any additional proxies. The total number of proxies that may be held by a person (other than proxies held by the person as the co-owner of a lot) voting on a resolution are as follows:
 - (a) if the strata scheme has 20 lots or less, one,
 - (b) if the strata scheme has more than 20 lots, a number that is equal to not more than 5% of the total number of lots.
5. A provision of a contract for the sale of a lot in a strata scheme, or of any ancillary or related contract or arrangement, is void and unenforceable to the extent that it:
 - (a) requires the purchaser of a lot, or any other person, to cast a vote at a meeting of the owners corporation at the direction of another person, or
 - (b) requires the purchaser to give a proxy at the direction of another person for the purpose of voting at a meeting of the owners corporation (that is a person cannot rely on any such proxy to cast a vote as a proxy).

Notes on rights of proxies to vote:

1. A duly appointed proxy:
 - (a) may vote on a show of hands (or by any other means approved by a general resolution at a meeting of the owners corporation), subject to any limitation in this form, or may demand a poll, and
 - (b) may vote in the person's own right if entitled to vote otherwise than as a proxy, and
 - (c) if appointed as a proxy for more than one person, may vote separately as a proxy in each case.
2. A proxy is not authorised to vote on a matter:
 - (a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
 - (b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, building manager or on-site residential property manager, or
 - (c) if the right to vote on any such matter is limited by this form.

THE OWNERS CORPORATION OF STRATA PLAN NO. 61139

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE OWNERS OF
STRATA PLAN NO. 61139 HELD ON TUESDAY 29TH AUGUST, 2017
IN THE ST MATTHEWS CHURCH HALL, THE CORSO,
1 DARLEY ROAD, MANLY AT 6.00PM.**

PRESENT:

Mr O & Mrs K Isaacs, Mr D Mockler, Mr R Davison, Mr S & Mrs P Mulvogue,
Ms K Williams, Mr P Brown (company nominee Shorty Holdings Pty Ltd),
Mrs F Glading (company nominee David Glading Nominees Pty Ltd),
Mr A Westacott, Ms D Sibson, Mrs J Robertson, Ms L Wareham, Mr J Greentree,
Mr G & Mrs S Stow, Mr D Glading, Mr P & Mrs Z Dybac, Mrs M Lindsay,
Mr M & Mrs M Taylor, Mr E Martinez de Morentin, Mr R & Mrs R Stone and
Mr G Brown.

PROXIES:

Mr B Vowels (Lot 2) in favour of Ms J Hentze.
Mr G Karantzas (Lot 6) in favour of Mr D Mockler.
Mr V Parker (Lot 9) in favour of Mr R Stone.
Ms C Barber (Lot 10) in favour of Mr D Mockler.
Mr V & Mrs S Parker (Lot 12) in favour of Mr G Brown.
Ms A Saya (Lot 20) in favour of Mr D Mockler.
Mr R Goff (Lots 28 & 88) in favour of Ms J Hentze.
Mr D & Mrs N Richards (Lot 42) in favour of Mr D Glading.
Mr S Mermez (Lot 51) in favour of Ms J Hentze.
Mr V Parker (Lot 52) in favour of Mr G Brown.
Ms A Sayar (Lot 64) in favour of Mr D Mockler.
Mr N & Mrs S Sheather (Lot 86) in favour of Mr G Brown.
Mr D Wilson & Ms S Hunston (Lot 89) in favour of Mrs S Stow.
G J & P M Moore Pty Ltd (Lot 98) in favour of Mrs Z Dybac.
Mr A & Mrs V Longfellow (Lot 102) in favour of Mr R Stone.
Mr S MacDonald (Lot 110) in favour of Mr R Stone.
Mr R & Mrs J Goodmason (Lot 113) in favour of Mr R Stone.
Ms J Hentze (Lot 116) in favour of Mr D Mockler.
Mr J Legaz (Lot 119) in favour of Mr G Brown.
Mr A & Mrs P Teruzzi (Lot 123) in favour of Mr G Brown.
Mr M Hawkins (Lot 124) in favour of Mr G Brown.

IN ATTENDANCE:

Mrs T Hadden, Mr T Strati (Building Manager) and Ms N Hopkins (Lamb & Walters).

CHAIRMAN: Mr G Brown.

CONFIRMATION OF MINUTES:

Resolved that the Minutes of the Annual General Meeting held on 31/8/16 be confirmed as a true and accurate record of that meeting.

CHAIRMAN'S ADDRESS:

The Chairman gave his address. Mr Stone moved that the address be accepted.

TENANTS AT MEETING:

Resolved by ordinary resolution that the Owners - Strata Plan No. 61139 restrict tenants from being present when the following matters are being discussed:

- (a) financial statements and auditor's reports;
- (b) levying of contributions;
- (c) recovery of unpaid contributions;
- (d) a strata renewal proposal under Part 10 of the Strata Schemes Development Act 2015 or any related matter; and/or
- (e) any other financial matter specified by the regulations for the purpose of this clause (as at 30 November 2016 there is nothing further).

KEY FINANCIAL INFORMATION:

Resolved that the audited statements of key financial information for the administrative fund, the capital works fund and any other fund prepared by the Owners Corporation be adopted.

CARPET REPLACEMENT:

Resolved that the Owners Corporation approve the increase in the Budget to replace the carpets from \$125,000 + GST to \$153,000 + GST.

LEVY CONTRIBUTIONS:

Resolved that

- (a) in accordance with Section 79(2) and 81 of the Strata Schemes Management Act 2015 the Owners Corporation estimates that in respect of the period from 1/11/17 to 31/10/18 it will need to credit to its administrative and capital works funds for actual and expected expenditure referred to in those subsections the amounts set out in the budget that was attached to the notice of the meeting at which this resolution was passed; and
- (b) in accordance with Section 81 of the Act, the Owners Corporation determines that the following amounts are to be levied to raise the estimated contributions:

administrative fund, the sum of \$308,000.00

capital works fund, the sum of \$253,181.50

(c) those amounts are to be paid by regular equal periodic instalments on 1/11/17, 1/2/18, 1/5/18 and 1/8/18.

(d) the Treasurer is authorised to levy those contributions by written notice on each person liable to pay them.

CAPITAL WORKS

FUND:

Resolved that the Owners Corporation note that the Building Manager and Strata Committee prepared a Capital Works Fund Plan and that this will be referred to and adjusted as necessary.

AUDITOR:

Resolved to appoint an external auditor for EFY 30/6/18.

LEVY COLLECTION:

Resolved that the Strata Managing Agent be authorized to take and to settle legal action on behalf of the Owners Corporation to recover unpaid contributions, interest on unpaid contributions and related expenses, subject to any direction of the Owners Corporation, and that the Secretary notify the Strata Managing Agent in writing accordingly.

PAYMENT PLANS:

Resolved that the Owners Corporation do not approve payment plans unless the Strata Committee are satisfied that the applicant satisfies the requirements of proof that they are suffering severe financial hardship.

ELECTION OF

STRATA

COMMITTEE:

Ten (10) nominations were received.

Resolved that seven (7) persons be elected to the Strata Committee.

A ballot was held and resolved that the following were duly elected:

Mr O Isaacs (nominated by Lot 16)

Mr D Mockler (nominated by Lot 17)

Mr P Brown (nominated by Lot 46)

Mrs S Stow (nominated by Lot 93)

Mr F Martinez de Morentin (nominated by Lot 95)

Mr R Stone (nominated by Lot 112)

Mr G Brown (nominated by Lot 122)

RESTRICTED

MATTERS:

Resolved that a \$50,000 expenditure limit on any one repair/replacement item be placed on the Strata Committee.

BMC REPS:

Specially resolved that Mr G Brown be elected as BMC Representative and Mr R Stone as BMC Sub-Representative.

TENANTS

REPRESENTATIVE

Resolved that no tenants representative be elected to the Strata Committee

NOTICE BOARD

SPECIAL RESOLUTION: Specially Resolved that the Owners Corporation maintain a notice board for serving of notices.

INSURANCES:

- (a) Resolved that the Owners Corporation insurances as listed in the Annexures to the Agenda of the meeting be confirmed and further that the Strata Committee be delegated the function of increasing, altering or adding insurances should it be resolved to include further insurances.
- (b) It was noted that the additional insurance referred to in section 165(2) have been taken out.
- (c) Resolved that the Owners Corporation obtain an updated valuation from a valuer to value the building damage insurance amount for replacement and reinstatement as now required under section 161 of the Strata Schemes Management Act 2015.

COMMISSION AND TRAINING SERVICES:

Resolved that report was received from the Strata Managing Agent on commissions and training services received in the past 12 months and estimate of commissions and training services to be received in the next 12 months as \$0.00.

OTHER MEANS OF VOTING:

Resolved that the Owners - Strata Plan No. 61139 subject to any additional costs being approved by the Strata Committee, adopt the following alternate means of voting, if available, (not being elections) at meetings of the owners corporation and/or meetings of the strata committee:

- (a) Voting by means of teleconference while participating in a meeting from a remote location;
- (b) Voting by means of video-conferencing while participating in a meeting from a remote location;
- (c) Voting by means of email while participating in a meeting from a remote location;
- (d) Voting by means of other electronic means while participating in a meeting from a remote location;
- (e) Voting by means of email before the meeting; or
- (f) Voting by means of other electronic means before the meeting.

ANNUAL FIRE SAFETY STATEMENT:

Resolved that the Owners - Strata Plan No. 61139 to consider the annual fire safety statement and to make arrangements for obtaining the next annual fire statement.

LIFT REGISTRATION: Resolved that whilst Integrated Property Management Pty Ltd T/A Lamb & Walters is appointed as the managing agent for the scheme:

- (a) it is required on an annual basis to engage a competent person to provide a statement as to whether the lift equipment is safe to operate; and;
- (b) subject to receipt of the statement from the competent person that the equipment is safe to operate, it is instructed to sign on behalf of the scheme and lodge with Safe Work any item registration renewal or application form.

BY-LAWS: Resolved that the Owners - Strata Plan No. 61139 note the obligation under clause 4 of Schedule 2 of the Strata Schemes Management Act 2015 (NSW) to review and consolidate the by-laws within 12 months of 30 November 2016.

Further resolved that the Strata Committee be delegated the task of reviewing the existing By-laws and an Extraordinary General Meeting is to be held on 21st November, 2017 to consider adoption of the Strata Committees recommendations.

MINOR RENOVATIONS

SPECIAL BY-LAW: Specially resolved that the Owners – Strata Plan No. 61139 pursuant to sections 110(6)(b) and 136 of the Strata Schemes Management Act 2015 to make an additional By-law in the following terms:

Special By-law _____ Minor Renovations

Rights

1. On the conditions set out in this by-law and with the prior written approval of the strata committee each Owner has the authority to carry out Minor Renovations to the common property in connection with the Owner's lot and, once installed, to maintain the approved Minor Renovations.
2. The owners corporation delegates its power to approve Minor Renovations to the strata committee.
3. The strata committee, when considering an Owner's proposal to conduct Minor Renovations may impose conditions on any approval and must not unreasonably withhold their approval.

Definitions

4. In this by-law, the following terms are defined to mean:
 - a. **"Act"** means the *Strata Schemes Management Act 2015* (NSW);
 - b. **"Building"** means the building located at 9-15 Central Avenue, Manly NSW 2095
 - c. **"Minor Renovations"** includes work for the purposes of the following:

- i. renovating a kitchen,
- ii. changing recessed light fittings,
- iii. installing or replacing wood or other hard floors,
- iv. installing or replacing wiring or cabling or power or access points,
- v. work involving reconfiguring walls,
- vi. removing carpet or other soft floor coverings to expose underlying wooden or other hard floors,
- vii. installing a rainwater tank,
- viii. installing a clothesline,
- ix. installing a reverse cycle split system air conditioner,
- x. installing double or triple glazed windows,
- xi. installing a heat pump,
- xii. installing ceiling insulation.

but does not include works set out in section 110(7) of the Act such as work involving structural changes, waterproofing, changes to the external appearance of a lot or requiring consent or other approval under any other statute, regulation or the like.

- d. **“Owner”** means an owner of a lot from time to time in the strata scheme;
 - 5. Where any terms used in this by-law are defined in the Act, they will have the same meaning as those words are attributed under the Act.
 - 6. Words importing:
 - a. the singular include the plural and vice versa; and
 - b. a gender includes any gender.
 - 7. A reference to a statute, regulation, proclamation, ordinance or by-law includes all statutes, regulations, proclamations, ordinances or by-laws varying, consolidating or replacing them, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute.

Prior to Conducting the Minor Renovations

8. An Owner must make an application to the owners corporation for its approval to conduct the Minor Renovations by giving written notice of their proposed works to the owners corporation with the notice to include:
 - a. details of the work, including copies of any plans,
 - b. the expected duration and times of the works,
 - c. details of the persons carrying out the work including that person's qualifications to carry out the work, and
 - d. arrangements to manage any resulting rubbish or debris.

9. Prior to conducting the Minor Renovations, the Owner and/or the tradesperson appointed by the Owner to carry out the Works must effect, and provide the owners corporation with certificates of, the following insurances:
 - a. contractor's all risk insurance (where applicable);
 - b. workers compensation insurance (where applicable);
 - c. home owners warranty Insurance (where applicable); and
 - d. public liability insurance in the amount of \$10,000,000 including for and in respect of equipment located and/or utilised on common property in execution of the Minor Renovations.

Performance of the Works

10. In carrying out or maintaining the Minor Renovations the Owner must:
 - a. ensure that the works are completed in a competent and proper manner and in accordance with the Building Code of Australia and relevant Australian Standards;
 - b. transport each item including but not limited to construction materials, equipment and debris in the manner reasonably directed by the owners corporation;
 - c. protect all areas of the Building both internal and external to the lot in a manner reasonably acceptable to the owners corporation;
 - d. keep all areas of the common property outside the lot clean and tidy;
 - e. only perform Minor Renovations at times approved by the owners corporation;
 - f. not create noise which causes discomfort, disturbance, obstruction or interference with the activities of any other occupier of the Building;
 - g. immediately remove all debris or waste resulting from the Minor Renovations from the Building and the common property;

- h. not vary or replace the Minor Renovations, as agreed to by the strata committee, without the prior written approval of the strata committee; and
- i. ensure that the Minor Renovations do not interfere with or damage the common property, or any lot or property of any other lot owner or occupier (other than as approved in by the strata committee) and if this happens the Owner must rectify that interference or damage within a reasonable period of time.

Maintenance of the Minor Renovations

- 11. The Owner must properly maintain and keep the Minor Renovations and the common property to which they are attached in a state of good and serviceable repair.

Liability and Indemnity

- 12. The Owner is liable for any damage caused to any part of the common property, and any lot (including their lot), or other property arising from the Minor Renovations and will make good that damage immediately after it has occurred.
- 13. The Owner indemnifies the owners corporation against any legal liability, loss, damage, claim or proceedings that relates to the installation, performance, maintenance, replacement or removal of the Minor Renovations on or from the common property including but not limited to any liability under section 122(6) of the Act in respect of any property of the Owner.

Owner's Fixtures

- 14. The Minor Renovations shall remain the Owner's fixture.

Cost and Risk of the Works

- 15. The Minor Renovations (including their replacement or removal) are undertaken at the cost and risk of the Owner.

Right to Remedy Upon Default

- 16. If an Owner fails to comply with any obligation under this by-law, then the owners corporation may:
 - a. carry out all work necessary to perform that obligation;
 - b. in accordance with the provisions of the Act enter upon any part of the parcel to carry out that work;
 - c. recover the costs of carrying out that work from the Owner.

17. The costs referred to in paragraph 16(c) of this by-law may include any costs incurred by the owners corporation in carrying out any building repair work, security call-out charges, after hours building management or agency fees, administrative and legal costs to issue correspondence or any notices pursuant to this by-law and any other reasonable cost expended by the owners corporation in rectifying any damage occasioned to the common property by the respective Owner or in enforcing the terms of this by-law against the Owner of the lot.
18. If the costs referred to in paragraph 16(c) of this by-law are not paid at the end of one month after becoming due and payable they shall bear, until paid, simple interest at an annual rate of 10% and the owners corporation may recover as a debt any costs payable by the Owner pursuant to this by-law, not paid at the end of one month after they become due and payable, together with any interest payable and the expenses of the Owners Corporation incurred in recovering those amounts.

PET BY-LAW:

- i. Specially resolved to repeal By-law 32.
- ii. Specially resolved to adopt new By-law 32 which states:

An owner or occupier of a lot must not keep any animal on the lot or the common property unless the animal is an assistance animal. If the animal is an assistance animal the owner or occupier must provide evidence to the owners corporation demonstrating that the animal is an assistance animal as referred to in section 9 of the Disability Discrimination Act 1992 of the Commonwealth.

CLOSURE:

As there was no further business for discussion the Meeting closed at 7.15pm