

**MINUTES OF THE ANNUAL GENERAL MEETING
THE OWNERS - STRATA PLAN 61139**

ADDRESS OF THE STRATA SCHEME:

Pacific Waves, 9-15 Central Avenue, MANLY NSW 2095

An Annual General Meeting of The Owners - Strata Plan 61139 held on Tuesday, 10 September 2019 at The Manly Library, 1 Market Place, Manly at 06:00 PM.

PRESENT:

Mr M Nicholson, Mr D Richards, Mr B Rohr, Mrs F Glading (company nominee David Glading Nominees Pty Ltd), Ms J Gunn, Ms L Wareham, Ms K Williams, Mr A & Mrs V Longfellow, Ms M Sheather, Mrs S Stow (via teleconference), Mr D Glading, Mrs M Haynes, Mr P & Mrs Z Dybac (7.00pm), Mr D Chapman, Mr F & Mrs Matinez de Morentin, Mr R Stone and Mr G Brown.

PROXIES:

Mr V & Mrs S Parker (Lots 9, 12 & 52) in favour of Mr G Brown.
Mr D & Mrs M Mockler (Lot 17) in favour of Mr G Brown.
Mr P Brown (Lot 46) in favour of Mr G Brown.
Mr A & Mrs D Westacott (Lots 55, 78 & 120) in favour of Mr R Stone.
Mr D & Mrs J Robertson (Lot 58) in favour of Mr D Glading.
Mr C Hadden (Lot 59) in favour of Mrs T Hadden.
Stonecost Pty Ltd (Lot 105) in favour of Mrs M Haynes.
Ms J Robert (Lot 106) in favour of Mrs M Haynes.
Ms N Mah-Hing (Lot 107) in favour of Mrs M Haynes.
Mr M & Mrs M Taylor (Lot 108) in favour of Mrs M Haynes.
Mr A & Mrs S Noble (Lot 109) in favour of Mr R Stone.
Mr T & Mrs J Goodmanson (Lot 113) in favour of Mr R Stone.
Mr J & Mrs S Filewood (Lot 117) in favour of Mr D Glading.

IN ATTENDANCE:

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

CHAIRMAN:

Mr G Brown.

1 MINUTES

Resolved that the minutes of the last annual general meeting held on 30/8/18 be adopted as a true and accurate account of the proceedings of that meeting.

2 CHAIRMAN'S ADDRESS

Resolved that the Chairman's address be received.

3 KEY FINANCIAL INFORMATION

Resolved that the attached statements of key financial information for the administrative fund, the capital works fund together with the relevant auditor's report if required be adopted.

4 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 1/11/2019 to 31/10/2020 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 \$342,061.50
 - capital works fund, the sum of \$260,881.50
- (c) those amounts are to be paid by regular equal periodic instalments on 1/11/2019, 1/02/2020, 1/05/2020, 1/08/2020 ; and
- (d) the Treasurer is authorised to levy those contributions by written notice on each person liable to pay them.

5 CAPITAL WORKS FUND

Resolved that the Owners Corporation note that the Capital Works Fund Plan has been updated in 2019.

6 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.

7 STRATA COMMITTEE

Resolved that nominations be received for the election of the Strata Committee Members and the Owners Corporation determined the number of persons to be elected to the Strata Committee be set at seven (7) and the following were duly elected:

- Mr G Brown (self nominated)
- Mr Ray Stone (self nominated)
- Mrs S Stow (self nominated)
- Mr F Martinez de Morentin (self nominated)
- Mrs M Haynes (self nominated)
- Mr D Mockler (self nominated)
- Mr D Chapman (self nominated)

8 BMC REPS

Resolved that Mr G Brown be elected as the Building Management Committee representative and Mr R Stone be elected as the sub-representative.

9 RESTRICTED MATTERS

Resolved that the Owners Corporation set a \$50,000 expenditure limit on any single non standard item.

10 INSURANCE

(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) Resolved that that the Owners Corporation note that a number of additional insurance insurances as referred to in Section 165 (2) have been taken out.

11 COMMISSIONS AND TRAINING SERVICES

Resolved that a 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 both being nil.

12 REAPPOINTMENT OF STRATA MANAGING AGENT

Resolved that the Owners - Strata Plan No. 61139 RESOLVES by ordinary resolution that, the Owners Corporation having an existing agreement (Prior Agreement) with the Agent:

(a) the Prior Agreement is terminated on this date, without prejudice to any accrued rights and obligations under the Prior Agreement.

(b) the Agreement will replace the Prior Agreement and govern the relationship between the Owners Corporation and the Agent as from the date of termination of the Prior Agreement for a period of one (1) year.

NB: Chairman and Treasurer to sign the Agency Agreement on behalf of the Owners Corporation.

13 BUILDING MANAGERS CONTRACT

Resolved that the Building management contract with The Property Management Professional Pty Ltd (Tony Strati) be extended to 30 September, 2020 to be inline with the Annual General Meeting.

14 ANNUAL FIRE SAFETY STATEMENT

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

15 AIR CONDITIONING

Resolved that the Owners Corporation to undertake for a one (1) year trial period of shutting down the building air conditioning system between the hours of 11.30pm and 5.30am each day subject to there being in operation an external temperature monitor which will override the turn off in the event that the outside temperature exceeds 24 degrees. Further that the Strata Committee is authorised to discontinue to the trial if it sees fit to do so.

16 LEGAL FEES

Resolved that the decision of the Strata Committee to withdraw from proceeding with this litigation be ratified and that the Strata Committee be authorised to handle any further action relating to this matter on behalf of the Owners Corporation.

17 BY-LAW 63 - EXCLUSIVE RIGHTS

i. Specially resolved not to rescind By-law 63.

The owners for the time being of the Lots set out in Column 1 are jointly entitled to the right of exclusive use and enjoyment of the areas of the common property indicated with the letter set out in Column 2 opposite such lot numbers on the Strata Plan annexed and such owners are jointly responsible for the proper maintenance and upkeep of such part of the common property.

Column 1	Column 2	Column 1	Column 2
2&3	(a)	58&59	(o)
4&5	(b)	60&61	(p)
6&7	(c)	62&63	(q)
8&9	(ab)	69&70	(r)
10&11	(d)	71&72	(s)
12&13	(e)	73&74	(t)
14&15	(f)	75&76	(u)
44&45	(g)	77&78	(v)
46&47	(h)	79&80	(w)
48&49	(j)	81&82	(x)
50&51	(k)	83&84	(y)
52&53	(l)	85&86	(z)
54&55	(m)	87&88	(aa)
56&57	(n)		

[Those in favour 16419 unit entitlements, those against 16688 unit entitlements. As more than 25% of the unit entitlements were against the motion to the motion was lot]

ii. As By-law 63 was not rescinded (as per i) the motion was not put.

iii. Specially resolved that in the event of a dispute between Lot owners set out in Column 1 in (a) above involving proper maintenance and upkeep of an exclusive use area, an affected lot owner must refer the dispute to the Strata Committee for the time being to determine. The decision of the Strata Committee shall be binding on the Lot owners and any financial cost resulting from the decision shall be shared equally between the parties and such amount is to be debited from the Lot owner's levy account.

18 **BY-LAW 77 - INSURANCE EXCESS**

Specially resolved to adopt the following By-Law 77:

In the event that the Owners Corporation's insurance policy includes coverage for loss and or damage to individual Lot owners fixtures and fittings, Lot owners shall be responsible for making the claim on the Insurer and shall be responsible for the policy excess and shall pay same at the direction of the Insurer.

There remains no obligation for the Owners Corporation to effect such insurance.

19 **BY-LAW 78 - WORKS LOT 42**

Specially resolved, pursuant to sections 141, 108 and 143 of the Strata Schemes Management Act 2015, that the following by-law be made and lodged for registration with the Registrar-General under the common seal of the Owners Corporation.

SPECIAL BY-LAW NO. 78

RENOVATION WORKS AT LOT 42

1. For the purposes of this by-law:

- 1.1. "Act" means the Strata Schemes Management Act 2015 as amended and/or replaced from time to time;
- 1.2. "Authority" means any government, semi-government, statutory, public, private, or any other

authority having any jurisdiction over the Lots or the Building, including the local council;

- 1.3. "Building" means the building and improvements on the land located at 9-15 Central Avenue, Manly NSW 2095;
- 1.4. "Common Property" means the common property in Strata Plan 61139;
- 1.5. "Costs" means all professional and trade costs, fees, and disbursements incurred as a result of, or associated with, this by-law, the Works and Remedial Works, and any damage caused as a result of the Works and/or Remedial Works;
- 1.6. "Direction" means a written direction from the Owners Corporation to the Owner relating to the Works and/or Remedial Works;
- 1.7. "Future Owner" means the registered proprietor of the Lot from time to time, succeeding the Owner;
- 1.8. "Indemnify" means the Owner indemnifying the Owners Corporation in respect of the Works and/or Remedial Works or anything arising from the Works and/or Remedial Works, including, but not limited to the following:
 - 1.8.1. all actions, proceedings, claims, demands, costs, damages and expenses which may be incurred by, brought or made against the Owners Corporation;
 - 1.8.2. any sum payable by way of increased premiums; and
 - 1.8.3. any costs or damages for which the Owners Corporation is or becomes liable;
- 1.9. "Lot" means lot 42 in the Strata Plan;
- 1.10. "Owner" means the registered proprietor of the Lot as at the date this by-law is registered, and with respect to clauses 6 to 15 inclusive includes the Future Owner;
- 1.11. "Owners Corporation" means the owners corporation known as The Owners- Strata Plan No 61139;
- 1.12. "Remedial Works" means the repair, maintenance, replacement and/or removal of items relating to the Works and/or Common Property affected by the Works;
- 1.13. "Strata Plan" means registered Strata Plan No 61139;
- 1.14. "Works" means the renovation works to be carried out at the Lot in accordance with:
 - (a) the plans prepared by Drafting Help and dated 2 October 2018, attached to this by-law and marked with the letter 'A' (7 pages); and
 - (b) the scope of work itemised by McCormick Carpentry Pty Ltd dated 19 June 2018, attached to this by-law and marked with the letter "B" (2 pages).
2. Where any terms in this by-law are not defined, they will have the same meaning those words are attributed under the Act.
3. If this by-law empowers the Owners Corporation to take action, it may or may not take such action in its reasonable discretion.
4. Subject to the provisions of this by-law, the Owners Corporation grants the Owner the right to carry out the Works.
5. To the extent the Works involve additions to or alterations of the Common Property, the Works are approved for the purpose of section 108 of the Act.

6. The Owner is responsible for and must carry out Remedial Works when and where necessary, including by Direction.
7. The Works and Remedial Works must be carried out and completed:
 - 7.1. in a proper and workmanlike manner by licensed and/or accredited contractors using proper materials;
 - 7.2. with due skill and care;
 - 7.3. in compliance with the National Construction Code and any other Australian Standards as applicable;
 - 7.4. in compliance with all necessary approvals from any Authority;
 - 7.5. in keeping with the appearance of the Building in its style, colour, materials, and overall design;
 - 7.6. so as to not unreasonably interfere with the enjoyment of Common Property or access to lots in the Strata Plan by other persons;
 - 7.7. in a way which minimises disturbance to other persons including but not limited to minimising vibration, noise, dust, and dirt;
 - 7.8. while ensuring that the security of the Building is maintained throughout the performance of the Works and/or Remedial Works;
 - 7.9. while promptly and completely removing all rubbish from the Building resulting from the Works and/or Remedial Works;
 - 7.10. while keeping all areas of the Building as clean and tidy as possible;
 - 7.11. while promptly repairing any damage to the Building caused by the Works and/or Remedial Works;
 - 7.12. in a way that does not interfere with the structural integrity of the Building; and
 - 7.13. in compliance with all reasonable requirements of the Owners Corporation, including any requirements relating to access and egress of tradespersons, building materials, tools and debris.
8. The Owner is responsible for and will bear all Costs.
9. In the event lots or Common Property are damaged because of the Works or Remedial Works, the Owner is responsible for and will pay the Costs of rectifying the damage.
10. Where the Owners Corporation has incurred Costs on behalf of the 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.
11. The Owners Corporation reserves the right to issue a Direction to the Owner to remove, repair, or replace any items installed as a part of the Works and/or Remedial Works in the event they do not comply with the requirements of this by-law.
12. If the Owner fails to comply with a Direction within 3 months of the date of the Direction, the Owners Corporation may:
 - 12.1. enter any part of the Lot;
 - 12.2. carry out all work necessary to comply with the Direction; and
 - 12.3. recover from the Owner any Costs relating to the carrying out of the work, including charging them to the Owner's lot account as if they were a contribution under the Act, with all the same rights of recovery to apply.
13. The Owner will sign all documents and do all things necessary to facilitate the matters the subject of this by-law.

14. The Owner will not claim upon the Owners Corporation's insurance in respect of anything arising out of the Works or Remedial Works.
15. The Owner will Indemnify and will keep Indemnified the Owners Corporation.

20 REPLACEMENT OF NON-COMPLIANT TRIM

Resolved that the Owners Corporation adopt the Strata Committees recommendations regarding the replacement, removal and repainting of the polystyrene trim around the building.

CLOSURE:

There being no further business, the Chairman declared the meeting closed at 7.35pm.

THE OWNERS CORPORATION STRATA PLAN NO 61139

MINUTES OF THE MEETING OF THE STRATA COMMITTEE OF THE OWNERS CORPORATION OF STRATA PLAN NO 61139 HELD ON TUESDAY 10TH SEPTEMBER, 2019 FOLLOWING THE ANNUAL GENERAL MEETING AT 7.35PM.

PRESENT: Mr G Brown, Mr R Stone, Mrs M Haynes, Mr F Martinez de Moretin and Mr D Chapman.

IN ATTENDANCE: Mr T Strati (Building Manager) and Ms N Hopkins (Lamb & Walters).

CHAIRMAN: Mr G Brown.

CONFIRMATION OF MINUTES:

Resolved that the Minutes of the previous Strata Committee Meeting held on 9/7/19 be confirmed as true and accurate record of that meeting.

ELECTION OF OFFICE BEARERS:

Resolved that:

Mr G Brown be elected as Chairman.
Mr R Stone be elected as Treasurer.
Mr F Martinez de Moretin as Secretary.

NEXT MEETING: The next Strata Committee Meeting to be held in November, 2019.

CLOSURE: There being no further business the meeting was closed at 7.40pm