STM | STRATA TITLE MANAGEMENT

your strata care company

NOTICE OF ANNUAL GENERAL MEETING

The Owners of Strata Plan 50785

Cote d Azur

1-3 McDonald Street, CRONULLA NSW 2228

Meeting to be held on Tuesday, 26th March 2013

In the BBQ Area of 1-3 McDonald Street, Cronulla

Commencing at 7.00pm

STM Sydney South
ABN: 13 093 036 429

PO Box 2727
TAREN POINT NSW 2229
t. (02) 9540 4199
f. (02) 9540 3943
e. sydney@stratatitle.com.au

stratatitle.com.au

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LETTER FROM THE STRATA MANAGING AGENT

Dear Owner(s)

We are pleased to invite you to attend the 2013 Annual General Meeting (AGM) of The Owners-Strata Plan 50785 – 1-3 McDonald Street, Cronulla.

The items of business to be discussed and voted upon at this year's Annual General Meeting are outlined in the following paperwork. Also enclosed is a proxy form, voting procedure detail and explanatory notes on each of the motions for consideration.

If you are unable to attend the meeting in person, you may appoint a proxy to act on your behalf. If you do intend on voting via proxy, please ensure that you complete the attached form and have returned to our office via fax (9540 3943) or e-mail your strata manager directly 24-hours prior to the meeting.

Some further information relating to voting at the meeting is as follows:

- *Please ensure that all sections of the proxy are completed in full. Proxies not completed correctly maybe deemed invalid.*
- **If your lot is in the name of multiple owners, where it states owners signature of the proxy form, all owners must sign this section, otherwise your proxy is invalid.**
- *Should your lot be in the name of a company, please ensure a company nominee form is completed and returned to our office. The company nominee's name must be recorded on the strata roll for them to be able to vote at the meeting.*
- *Only **FINANCIAL** owners are entitled to vote at a general meeting, unless a unanimous resolutions is required, then all owners whether financial or not are permitted to vote on such motions.*
- *Please contact our office at least 24 hours prior to the meeting in relation to account and budget enquiries.*

If you have any questions about the items of business, please contact the undersigned on 9540 4199 prior to the meeting.

I look forward to seeing you at the meeting.

Yours sincerely,

STRATA TITLE MANAGEMENT

Nina Ashfield-Howell
SENIOR STRATA MANAGER
nhowell@stratatitle.com.au
11th Day of March 2013

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IMPORTANT INFORMATION ABOUT VOTING AT THE ANNUAL GENERAL MEETING

In these notes:

(a) A Priority vote means a vote by:
- *An enrolled mortgagee having priority over any other mortgagee or enrolled covenant chargee; or*
- *An enrolled covenant chargee having priority over any enrolled mortgagee; or*
- *An enrolled covenant where there is no enrolled mortgagee*

(b) A proxy means a person appointed as a proxy by an instrument in the prescribed form

(c) A person entitled to vote means (unless otherwise specified) a person entitled to vote on a motion requiring a unanimous resolution

1. *A vote at the meeting by the owner of a lot does not count if a priority vote in respect of the lot is cast in relation to the same matter*

2. *An owner of a lot, or a person with a priority vote in respect of a lot, may not vote at the 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 that are owing at the date of this notice*

3. *If you, as the addressee of this notice:*
   (a) are not a corporation, then voting and other rights conferred by Schedule 2 of the Strata Schemes Management Act 1996 may be exercised by you in person or by proxy; or
   (b) are a corporation, then voting and other rights conferred by that Schedule may be exercised only by your company nominee in person, or by proxy appointed by the corporation

4. *Your right to vote as an owner, company nominee or person with a priority vote is also depends upon your name being recorded on the strata roll*

IMPORTANT INFORMATION ABOUT A QUORUM FOR THE ANNUAL GENERAL MEETING

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

2. *There is a quorum for considering and voting on such a motion or at such an* election only if:

   (a) at least one-quarter of the number of persons entitled to vote on the motion or at the election is present, either personally or by duly appointed proxy; or
   (b) at least one-quarter of the aggregate unit entitlement of the strata scheme is represented by the persons who are present and entitled to vote on the motion or at the election, either personally or by duly appointed proxy

3. *However, if there is more than one owner in the strata scheme and the quorum calculated in accordance with clause 2 above is less than 2 persons, then the quorum is 2 persons entitled to vote on the motion or on the election*

4. *If a quorum is not present within the next half-hour after the relevant motion or business arises for consideration at the meeting, then meeting stands adjourned for at least 7 days. A further notice will be given about the adjourned meeting*

5. *If a quorum is not present within the next half-hour after the time fixed for the adjourned meeting, the persons present personally or by duly appointed proxy and entitled to vote constitute a quorum for considering that motion or business*

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NOTICE OF ANNUAL GENERAL MEETING OF THE OWNERS CORPORATION

NOTICE OF BUSINESS to be dealt with at the Annual General Meeting of the Owners-Strata Plan No 50785
To be held on **Tuesday, 26th March 2013**
In the BBQ Area of 1-3 McDonald Street, Cronulla
Commencing at 7.00pm

CONFIRMATION OF RECORDS

MOTION 1	***Minutes***	***Ordinary Resolution***

That the minutes of the previous General Meeting held 22nd March 2012 be confirmed as a true and accurate account of the proceedings at that meeting.

Explanatory Note: "This motion refers to accepting the minutes of the last general meeting as recorded in the minute book and available on the archive page of the website."

BALUSTRADING

MOTION 2	***Balustrading***	***Special & Ordinary Resolution***

THAT the Owners Corporation selects one of the following options for the balustrades (balcony railings) to be made safe or replaced to comply with all relevant codes and standards:

OPTION A – That the existing be made safe by fitting a kick board and secure the top rail. (Cost $100,000.00);

OPTION B – Carry out Option A plus painting. (Cost $100,000.00 for Option A plus $100,000.00 for painting - Total $200,000.00);

OPTION C – That new balustrades be fitted as per existing material, powder coated aluminum (Cost $390,000.00);

OPTION D – That new balustrades be fitted using stainless steel (Cost $475,000.00)

*Explanatory Note: The Executive Committee recommends that **OPTION D** be approved.*

FINANCIAL MATTERS

MOTION 3	***Financial Statements***	***Ordinary Resolution***

That the audited financial statements of accounts for the period **01/03/2012 to 28/02/2013** be adopted.

Explanatory Note: The financial statements and are attached for your review. This motion refers to accepting the financial statements for the financial year just ended in order to fulfil the requirements of Section 106 of the Strata Schemes Management Act 1996. The audit report completed by Michael Faulkner and Associates has been completed in accordance with the applicable Australian Accounting Standards.

MOTION 4	***Annual Budget and Contributions***	***Ordinary Resolution***

a) That in accordance with Section 75 of the Strata Schemes Management Act 1996, that the proposed annual budget* for the financial period **01/03/2013 to 28/02/2014** as presented be adopted.

b) That in accordance with Section 76 of the Strata Schemes Management Act 1996, the proposed Contributions (levies) payable for the financial period **01/03/2013 to 28/02/2014** including the interim levy for the period commencing 1st March 2014 be determined as set out below:-

i. That the proposed **ADMINISTRATION FUND BUDGET** (attached to this notice of meeting) for the financial period 01/03/2013 to 28/02/2014 to raise $709,500.00 **($645,000.00 plus GST)** be approved and the Administration Fund Levies including the interim levy for the period commencing 1st March 2014 be determined as set out below.

Levy Period	**Due Date**	**Total**
01.03.13 – 31.05.2013	Previously Issued/Paid	$162,250.00
01.06.13 – 31.08.2013	01.06.13	$182,416.66
01.09.13 – 30.11.2013	01.09.13	$182,416.67
01.12.13 – 28.02.2014	01.12.13	$182,416.67
	TOTAL	**$ 709,500.00**
01.03.14 – 31.05.2014	01.03.14	$182,416.67

ii. That the proposed **SINKING FUND BUDGET** (attached to this notice of meeting) for the financial period 01/03/2013 to 28/02/2014 to raise $380,974.00 **($346,340.00 plus GST)** be approved and the Sinking Fund Levies including the interim levy for the period commencing 1st March 2014 be determined as set out below.

Levy Period	**Due Date**	**Total**
01.03.13 – 31.05.2013	Previously Issued/Paid	$55,758.00
01.06.13 – 31.08.2013	01.06.13	$108,405.33
01.09.13 – 30.11.2013	01.09.13	$108,405.33
01.12.13 – 28.02.2014	01.12.13	$108,405.33
	TOTAL	**$ 380,974.00**
01.03.14 – 31.05.2014	01.03.14	$108,405.33

And that the contributions be levied in accordance with Section 76 of the Strata Schemes Management Act 1996 payable by each Lot owner according to unit entitlement.

* ***REFER TO "TREASURER'S REPORT" FOR DETAILED INFORMATION.***

** ***Any questions relating to the budget or financial statements should be directed to our office PRIOR to the meeting.***

MOTION 5	***Special Levy***	***Ordinary Resolution***

A. **THAT** a special levy for the amount of **$525,000.00 including GST** be raised to cover capital expenditure items outlined in the treasurer's report to be raised in three equal instalments of $175,000.00 due and payable on 1st May 2013, 1st July 2013 and 1st September 2013.

B. **THAT** in the event the above motion (which includes sufficient to cover the cost of the Executive Committee recommendation for replacement of the balcony railings with stainless steel as per recommended Option D) is not carried, the special levy would be $150,000.00 in two equal payments of $75,000.00 due and payable on 1st May 2013 and 1st July 2013 (which includes sufficient to fix the safety issues of the balcony railings as per Option A).

Explanatory Note: Refer to Treasurer's Report for detailed list of expected capital expenditure items. The levy if raised, will be distributed according to unit entitlements and will NOT attract any discount.

MOTION 6	***Levy Discount***	***Special Resolution***

THAT the owners corporation decide by Special Resolution, pursuant to Section 79(4) of the *Strata Schemes Management Act 1996 (NSW)* to provide a 10 percent discount to an owner if their standard quarterly levy is received **BEFORE** the date on which it becomes due and payable.

Note: Discounts apply only to standard quarterly levies and not Special Levies.

Explanatory Note: In accordance with Section 79 (4) the owners corporation must decide by Special Resolution if they wish to provide lot owners with a 10% discount on their quarterly levy contributions should the payment be received prior to the due date. (Owners should allow up to 4 days for the payments to be received into the trust account for SP50785).

MOTION 7	***Auditor***	***Ordinary Resolution***

a) That an auditor be appointed for the financial year **01/03/2013 to 28/02/2014**.

b) If motion 'a' is resolved, that Michael Faulkner and Associates be appointed as auditors.

Explanatory Note: This motion is required to be considered by the Owners Corporation at each Annual General Meeting however it is not a legal requirement to appoint an auditor, unless your Strata Plan contains over 100 lots (excluding utility lots and car park lots). Strata Title Management suggests appointing Michael Faulkner and Associates as auditors.

MOTION 8	***Removing Limitation***	***Ordinary Resolution***

THAT in accordance with Section 80A of the Strata Schemes Management Act 1996 as amended the owners corporation resolves to remove the limitation relating to expenditure in excess of 10% above the budget on any one item or matter.

Explanatory Note: In accordance with Section 80A of the Strata Schemes Management Act 1996, for a large scheme, the owners corporation must not in the period until the next Annual General Meeting, spend on any item or matter an amount greater than that determined amount (budget line items) for expenditure on the item or the matter plus 10%. This motion removes such limitation on the owners corporation, as at any stage the owners corporation could potentially be above 10% on any budgeted line item, which then requires the owners corporation to call a general meeting. The calling of general meeting can be expensive and burdensome on the owners corporation, and this motion gives the owners corporation the ability to remove this requirement.

EXECUTIVE COMMITTEE

MOTION 9	***Executive Committee Election***	***Election***

THAT in accordance with Regulation 17 of the Strata Schemes Management Regulation 2010, the election of the Executive Committee takes place and that:

(a) the Chairperson announce the names of the candidates already nominated in writing for election to the executive committee, and;

(b) the Chairperson call for any oral nominations of candidates eligible for election to the executive committee;

(c) the Chairperson close nominations;

(d) that the number of members be set.

Explanatory Note: The election of the Executive Committee process is clearly set out in Regulation 17 of the Strata Schemes Management Regulation 2010. If the number of candidates:

(a) is the same as, or fewer than, the number of members of the executive committee decided, on-those candidates are to be declared by the chairperson to be, and are taken to have been, elected as the executive committee, or

(b) is greater than the number so decided on, a ballot is to be held.

The Strata Schemes Management Act 1996 states that the Owners Corporation must have an Executive Committee and your Executive Committee must be comprised of between 1 and 9 members.

MOTION 10	***Restricted Matters***	***Ordinary Resolution***

THAT the Owners Corporation decide whether or not to place any restrictions on the decision making powers of the Executive Committee until the next Annual General Meeting.

Explanatory Note: This motion is a statutory motion. An owners corporation must consider at each Annual General Meeting whether the Executive Committee should be restricted from making particular decisions other than those already restricted by law (such as determining levies and passing by-laws). If a restriction is imposed then the particular decisions must be made by the owners corporation at a general meeting.

MOTION 11	***Executive Committee***	***Ordinary Resolution***

THAT the Owners Corporation determine that an executive committee member may be held not civilly liable for an act done or omission made in good faith and without negligence in performing the person's role as an executive committee member, and that the Owners Corporation bear all costs, liabilities and responsibilities for any damages or claims made against Executive Committee members, either individually or collectively, for any actions or decisions made or not made whilst performing their duties.

Explanatory Note: This motion protects the Executive Committee Members against any claims or proceedings that may be brought against them in the role. The Owners Corporation will be responsible for all such claims and proceedings.

INSURANCE & COMPLIANCE

MOTION 12	Insurance Details	Ordinary Resolution

THAT:

a) The insurance policies currently in place be confirmed;

b) The Managing Agent be instructed to renew next year's insurance policy with Whitbreads Insurance Brokers, subject to quotations being presented to the Executive Committee for review;

c) An insurance policy be executed for office bearers liability and/or misappropriation of money or property of the Owners Corporation.

Explanatory Note: In accordance with Part 4 of the Strata Schemes Management Act 1996, the Owners Corporation is required to take out insurances as outlined in Divisions 1 -3 of this Part. At present, you are insured for all the required insurance policies. The Owners Corporation must confirm the insurance policies currently in place at every annual general meeting as well whether to vary or extend office bearers liability insurance or misappropriation of Owners Corporation Funds.

In accordance with Section 85 of the SSMA, the Owners Corporation must revalue the property for replacement and restitution purposes at least every five years. Many of our properties arrange a revaluation more frequently than the legal requirement. There are a number of exclusions in the insurance policies including for example, flood cover. You may wish to check these exclusions for yourself at www.suu.com.au

MOTION 13	Debt Collection	Ordinary Resolution

THAT the owners corporation resolve pursuant to the Strata Schemes Management Act 1996 (NSW) including Section 80D for the purpose of collecting levy contributions to authorise the Strata Managing Agent and/or the Executive Committee to do any one or more of the following:

(a) To engage or appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation and/or experts on behalf of the owners of strata plan 50785;

(b) To commence, pursue, continue or defend any court, tribunal or any other proceedings against any lot owner, mortgagee in possession and/or former lot owner in relation to all matters arising out of the recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs;

(c) Enforce any judgement obtained in the collection of levy contributions including commencing and maintaining bankruptcy of winding up proceedings;

(d) Filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions;

(e) Liaise, instruct and prepare all matters with the owners corporations' debt collection agents, lawyers and experts in relation to any levy recovery proceedings.

Explanatory Note: This is a standing motion to authorise Strata Title Management to take any and all necessary action to ensure the prompt payment of levies within your scheme.

ALTERATIONS/ADDITIONS TO COMMON PROPERTY

MOTION 14	***Pool Tiling***	***Special Resolution***

That the owners of Strata Plan No. 50785 SPECIALLY RESOLVE pursuant to section 65A of the *Strata Schemes Management Act, 1996* (NSW) to authorise the installation of tiling to the common property pool surface, pool surrounds and barbeque area.

Explanatory Note: The pool and spa is in need of resurfacing. The Executive Committee recommends that this be done with tiles for durability. At the same time, the surrounding pool and BBQ area will be repaved with associated waterproofing works. As the entire area will need to be closed to allow the work to safely proceed, this should be done over winter. Section 65A of the Strata Schemes Management Act 1996 requires the owners corporation to approve by special resolution any addition, alteration or erection of a new structure to the common property. A special resolution requires not more than 25% of owners that vote at the meeting, either in person or by proxy, to vote against the motion for the motion to pass. Votes are taken on a count of unit of entitlement votes.

MOTION 15	***Lift floor covering replacement***	***Special Resolution***

That the owners of Strata Plan No. 50785 SPECIALLY RESOLVE pursuant to section 65A of the *Strata Schemes Management Act, 1996* (NSW) for the worn tower lift carpets to be replaced with tiling for durability and ease of cleaning.

Note: Lift tiling works not projected until FYE of 2015/2016.

Explanatory Note: A proposal has been made to replace the carpet in each lift within Block C with quality tiling to improve the appearance and reduce maintenance. Section 65A of the Strata Schemes Management Act 1996 requires the owners corporation to approve by special resolution any addition, alteration or erection of a new structure to the common property. A special resolution requires not more than 25% of owners that vote at the meeting, either in person or by proxy, to vote against the motion for the motion to pass. Votes are taken on a count of unit of entitlement votes.



STRATA TITLE MANAGEMENT

Dated: 11th Day of March 2013

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NOTICE OF EXECUTIVE COMMITTEE MEETING OF THE OWNERS CORPORATION

Take notice that the Executive Committee of the Owners Corporation of Strata Plan 50785 intends to hold a meeting immediately after the Annual General Meeting to be held in the BBQ Area at 1-3 McDonald Street, Cronulla on Tuesday, 26th March 2013.

AGENDA

MOTION 1 Minutes

That the minutes of the previous Executive Committee meeting be confirmed as a true and accurate account of the proceedings at that meeting.

MOTION 2 Office Bearers

That the Executive Committee elect a Secretary, Treasurer and Chairperson.

MOTION 3 Appointed Representative and Substitute Representative

That the Executive Committee elect a representative and a substitute representative who are the nominated contact person(s) with the strata managing agent.

MOTION 4 Annual Fire Safety Statement

That Strata Title Management be authorised to complete, sign and lodge the Annual Fire Safety Statement on behalf of the Owners Corporation in accordance with the Environmental, Planning and Assessment Act with Sutherland Shire Council and be authorised to sign any necessary paperwork and to complete any necessary repairs on behalf of the Owners Corporation in order to satisfy the requirements of Council.

MOTION 5 Section 45 Notices - Notice to Comply (NTC) with a By-Law

A. In accordance with Section 45 of the Strata Schemes Management Act 1996, that a Notice to Comply with a By-Law be served upon the occupants of Splash Restaurant, Lot 4 (Shop 2) for breach of special by-law 32.1 in relation to parking vehicles on common property without the approval of the owners corporation.

B. In accordance with Section 45 of the Strata Schemes Management Act 1996, that a Notice to Comply with a By-Law be served upon the occupants of Lot 80 (C52) for breach of special by-law 32.1 in relation to parking vehicles on common property without the approval of the owners corporation.

C. In accordance with Section 45 of the Strata Schemes Management Act 1996, that a Notice to Comply with a By-Law be served upon the occupants of Lot 5 (Shop 1) for breach of special by-law 43.1 in relation to smoking on common property.



STRATA TITLE MANAGEMENT

Dated: 11th Day of March 2013

STM STRATA TITLE MANAGEMENT
your strata care company

PROXY APPOINTMENT FORM | STRATA SCHEMES MANAGMENT ACT 1996

Date ..... I/We .....

the Owners of Lot ..... in Strata Plan No. **50785**

appoint ..... of .....

(or the Chairman, as my/our proxy for the purposes of meetings of the owners corporation (including adjourned meetings)
Period or number of meetings for which the appointment of proxy has effect:

* No. of Meetings [ ]/* Period……. [Months]/ * 12 Months or 2 consecutive General Meetings
***Tick and complete which one applies**

(Note: The appointment cannot have effect for more than 12 months or 2 consecutive Annual General Meetings, whichever is greater. If no section is made by the person giving the proxy, the proxy is effective only for one meeting.)

*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
*Delete paragraph 1 or 2, whichever does not apply

(PLEASE CIRCLE AS AN INDICATION OF HOW YOU WANT TO VOTE ON THE MOTIONS)

MOTION 1	Minutes of last general Meeting	FOR/AGAINST (Please circle)
MOTION 2 OPTION A	Balcony Railing Modifications ($100K)	FOR/AGAINST (Please circle)
MOTION 2 OPTION B	Balcony Railing Modifications plus Painting ($200K)	FOR/AGAINST (Please circle)
MOTION 2 OPTION C	New Balcony Railings to match existing ($390K)	FOR/AGAINST (Please circle)
MOTION 2 OPTION D	New Balcony Railings using Stainless Steel ($475K)	FOR/AGAINST (Please circle)
MOTION 3	Financial Statements	FOR/AGAINST (Please circle)
MOTION 4 (a)	Annual Budget	FOR/AGAINST (Please circle)
MOTION 4 (b)	Levy Contributions	FOR/AGAINST (Please circle)
MOTION 5 OPTION A	Raise Special Levy of $525,000.00	FOR/AGAINST (Please circle)
MOTION 5 OPTION B	Raise Special Levy of $150,000.00	FOR/AGAINST (Please circle)
MOTION 6	Levy Discount	FOR/AGAINST (Please circle)
MOTION 7	Auditor	FOR/AGAINST (Please circle)
MOTION 8	Removing Limitation	FOR/AGAINST (Please circle)
MOTION 9	Executive Committee Election	FOR/AGAINST (Please circle)
MOTION 10	To place further Restrictions on Exec Committee	FOR/AGAINST (Please circle)
MOTION 11	Executive Committee Liability	FOR/AGAINST (Please circle)
MOTION 12 (a)	Confirm Insurances	FOR/AGAINST (Please circle)
MOTION 12 (b)	Engage Insurance Broker	FOR/AGAINST (Please circle)
MOTION 12 (c)	Additional Insurances	FOR/AGAINST (Please circle)
MOTION 13	Debt Collection	FOR/AGAINST (Please circle)
MOTION 14	Pool Tiling	FOR/AGAINST (Please circle)
MOTION 15	Lift Tiling	FOR/AGAINST (Please circle)

*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 examples, read note 1 below.

Signature of Owner/s .....

.....

(Signatures of all owners recorded on the Strata Roll required to be validated)

Note:
1 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, caretaker or on-site residential property manager.

2 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).

3 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.

COMPANY NOMINEE FORM

To

.....of.....

(Name of Person to be Appointed) (Address)

……(Company Name) hereby authorises you in accordance with Sec. 122 of the Strata Schemes Management Act 1996, to exercise or perform on its behalf any power, authority, duty or function conferred by or under that Act on its owner of Lots……In Strata Scheme No. 50785

DATED this …….. day of…….2013

THE COMMON SEAL OF …….
Was hereunto affixed by authority of its Board of Directors In the presence of:-

_____ _____

Secretary (Print Name/Sign) Director (Print Name/Sign)