STM | STRATA TITLE MANAGEMENT
your strata care company

MINUTES OF ANNUAL GENERAL MEETING

The Owners of Strata Plan 50785

Cote d 'Azur

1-3 McDonald Street, Cronulla

Meeting held on Monday, 11 April 2016

In the BBQ Area

1-3 McDonald Street, Cronulla NSW 2230

Commencing at 7.00pm

STRATA TITLE MANAGEMENT
your strata care company

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MINUTES OF ANNUAL GENERAL MEETING OF THE OWNERS CORPORATION – SP50785

MINUTES OF BUSINESS dealt with at the Annual General Meeting of the Owners-Strata Plan No 50785
Held in the **BBQ Area**
at **1-3 McDonald Street, Cronulla** NSW 2230
On **Monday, 11 April 2016** commencing at **7.00pm**

PRESENT: M Peoples (Lot 9), R & T McCubbin (Lot 17), G & E Fitzgerald (Lot 22), D Oliver (Lot 30), S Jarvis (Lot 34), P Dobson (Lot 35), B Szumara (Lot 38), J & B Forrest (Lot 39), M Bright (Lot 41), I & L Celarc (Lot 49 – Arrived 7.23pm from Motion 5), A & P Liu (Lot 53), G Schuberg (Lot 58), F Seddon (Lot 60), A Bailey (Lot 71), A & S Hansen (Lot 72), G Curtain (Lot 75), S Carruthers (Lot 79), N Bayliss (Lot 86), R & M Earle (Lots 90 & 96), J Farlow (Lot 91), C Pithers (Lot 94), A & L Duncan (Lot 103)

PROXIES: L & C Lock (Lot 51) – Proxy to N Bayliss
E Thompson (Lot 67) – Proxy to S Hansen
D & L Gourley (Lot 83) – Proxy to Y Van Ryn
R & J White (Lot 84) Proxy to N Bayliss
E Korbell (Lot 104) – Proxy to N Bayliss

UNFINANCIAL: Lots 3, 15, 23, 46, 74, 81, 105

IN ATTENDANCE: I Macdonald (Lot 97), J Jordan (Lot 43), M Bayliss (Lot 86), J & B Crewes (Lot 99),
John Stephens of Premier Contract Cleaning Pty Ltd
Nina Ashfield-Howell of Strata Title Management

APOLOGIES: C Beebe (Lot 2), D Gourley (Lot 83), E Korbel (Lot 104)

CHAIRPERSON: Nina Ashfield-Howell

MINUTES

There being a quorum present, the chairperson declared the meeting open at 7.07pm.

CONFIRMATION OF RECORDS

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

RESOLVED that the minutes of the previous General Meeting held 2 December 2015 be confirmed as a true and accurate account of the proceedings at that meeting.

FINANCIAL MATTERS

MOTION 2	***Financial Statements***	***Ordinary Resolution***

RESOLVED that the audited financial statements of accounts for the period **01/03/2015 to 29/02/2016** be adopted.

MOTION 3	***Auditor***	***Ordinary Resolution***

RESOLVED that a recommended auditor be appointed for the financial year **01/03/2016 to 28/02/2017.**

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

a) **RESOLVED** that the owners corporation continue to adopt the Sinking Fund Forecast as completed by Leary & Partners Pty Ltd dated 28 March 2012 (which has been amended to cover a more detailed list of works for SP50785) for the anticipated major capital expenditure of the strata scheme over a 10 year period in accordance with Section 75a of the Strata Schemes Management Act 1996 (NSW).

b) **RESOLVED** that the proposed Administration Fund Budget for the financial period **01/03/2016 to 28/02/2017** to raise $666,667.00 **($733,333.70 Including GST)** be approved and the Administration Fund Levies including the interim levy for the period commencing 1 March 2017 be determined as set out below.

Levy Period	Due Date	Total
01.03.16 – 31.05.2016	Previously Issued	$180,187.94
Adjustment Levy 01.03.16 – 31.05.2016	01.06.16	$3,145.48
01.06.16 – 31.08.2016	01.06.16	$183,333.42
01.09.16 – 30.11.2016	01.09.16	$183,333.42
01.12.16 – 28.02.2017	01.12.16	$183,333.44
	TOTAL	**$ 733,333.70**
01.03.17 – 31.05.2017	01.03.17	$183,333.42

c) **RESOLVED** that the proposed Sinking Fund Budget for the financial period **01/03/2016 to 28/02/2017** to raise $400,000.00 **($440,000.00 Including GST)** be approved and the Sinking Fund Levies, including the interim levy for the period commencing 1 March 2017 be determined as set out below.

Levy Period	Due Date	Total
01.03.16 – 31.05.2016	Previously Issued	$103,620.00
Adjustment Levy 01.03.16 – 31.05.2016	01.06.16	$6,380.00
01.06.16 – 31.08.2016	01.06.16	$110,000.00
01.09.16 – 30.11.2016	01.09.16	$110,000.00
01.12.16 – 28.02.2017	01.12.16	$110,000.00
	TOTAL	**$ 440,000.00**
01.03.17 – 31.05.2017	01.03.17	$110,000.00

MOTION 5	***Sinking Fund Forecast Report***	***Ordinary Resolution***

RESOLVED that the owners corporation authorise the strata managing agent to obtain on its behalf an updated Sinking Fund Plan to adequately assess future Sinking Fund capital requirements with the last Sinking Fund Report being completed in 2012.

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

RESOLVED by Special Resolution, that the owners corporation, pursuant to Section 79(4) of the *Strata Schemes Management Act 1996 (NSW)* 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.

RECORD OF VOTING OF SPECIAL RESOLUTION:

3,206 out of 10,000 Unit of Entitlement (UOE) votes were cast at the meeting; the breakdown of votes was as follows:

3,206 UOE votes in favour of the motion (100%)
0 UOE votes against the motion (0%)
0 UOE votes abstained from voting

MOTION 7	***Removing Limitation***	***Ordinary Resolution***

MOVED BY JOHN FORREST THAT THE MOTION BE AMENDED TO:

"**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 with the exception of expenses relating to the balustrading replacement project."

AMENDED MOTION SECONDED
AMENDED MOTION PUT TO THE MEETING
AMENDED MOTION CARRIED

RESOLVED 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 with the exception of expenses relating to the balustrading replacement project.

EXECUTIVE COMMITTEE

MOTION 8	***Executive Committee Election***	***Election***

a) The Chairperson announced the names of the candidates already nominated in writing for election to the executive committee:

1. **Carey Beebe** (Lot 54)
2. **Kevin O'Shea** (Lot 56)
3. **David Gourley** (Lot 83)

b) The Chairperson called for any oral nominations of candidates eligible for election to the executive committee, and received the following nominations:

4. **David Oliver** (Lot 30)
5. **Steve Jarvis** (Lot 34)
6. **Michelle Bright** (Lot 41)
7. **Ellie Thompson** (Lot 67)
8. **Sandra Hansen** (Lot 72)
9. **Sharen Carruthers** (Lot 79)

c) The Chairperson declared nominations closed.

d) **RESOLVED** that the number of members be set at **9** and that the above nominees be elected to the Executive Committee of the Owners Corporation.

MOTION 9	***Restricted Matters***	***Ordinary Resolution***

RESOLVED that no additional restrictions be placed on Executive Committee other than those currently imposed by Section 21 (2) of the Act.

INSURANCE & COMPLIANCE

MOTION 10	***Insurance***	***Ordinary Resolution***

a) **RESOLVED** that the insurance policies currently in place be confirmed.

b) **RESOLVED** that the Managing Agent be instructed to renew next year's insurance policy through a recommended insurance broker, subject to quotations being presented to the Executive Committee for review.

c) **MOTION DEFEATED -** That an updated valuation for insurance purposes be undertaken and the Managing Agent be instructed to adjust the level of insurance accordingly (last valuation completed 16/05/2014).

d) **RESOLVED** that an insurance policy continue to be executed for office bearer's liability and/or misappropriation of money or property of the owners corporation.

MOTION 11	***Work, Health and Safety Report***	***Ordinary Resolution***

RESOLVED that the owners corporation engage *Solutions in Engineering* to carry out an Annual Compliance Report of the common property in accordance with the *Work Health and Safety Act 2011 (*last report completed 09/05/2014).

MOTION 12	***Child Safety Window Restrictive Devices***	***Ordinary Resolution***

RESOLVED that the owners corporation empower the Executive Committee to determine and facilitate the installation of appropriate window restrictive devices at the strata scheme to ensure compliance with the new Child Window Safety Device legislation and that the Executive Committee be given authority to approve the quotation on behalf of the owners corporation.

MOTION 13	***Debt Collection***	***Ordinary Resolution***

RESOLVED 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.

SPECIAL BY-LAW FOR INSTALLATION OF EXTERNAL AWNINGS

MOTION 14	***Special By-Law for Installation of External Awnings***	***Special Resolution***

RESOLVED by Special Resolution, that the owners corporation, pursuant to section 47 of the Strata Schemes Management Act 1996 makes an additional by-law, Special By-Law No. 46 – Installation of External Awnings, on the terms set out below, and that notification of the by-law be lodged for registration at the Registrar-General's Office.

Special By-Law 46 - (Installation of External Awnings)

1. Each owner for the time being of each lot in the strata scheme is conferred with the right to install weather protection devices (hereinafter defined as including blinds, awnings, shades and all associated equipment) to provide shade and protection from the sun) (hereinafter referred to as the "devices") to service the owners lot within the strata scheme subject to the following terms and conditions:

(a) Any lot proposing to undertake the installation of any devices must submit a formal application to the Secretary or Strata Managing Agent including comprehensive plans, specifications and diagrams of the proposed installation and obtain formal written approval prior to any works commencing;
(b) the devices shall not be, or become, or in any way be construed to be common property and shall always remain the sole property of the owner for the time being of the lot which they service;
(c) the style, design and finish of any proposed devices shall be consistent with the architectural theme established throughout the remainder of the strata scheme buildings and shall not detract from the overall appearance of the property. Any such style, design and colour to be notified to the secretary or the strata managing agent will, if it complies with subclause (1) (a) to (j) hereof, set the precedent for any future installations of devices that may be proposed elsewhere in the strata scheme;
(d) the owners of any lot undertaking the installation of any devices must obtain all necessary permits, licenses or consents required by local authority or other statutory or lawful authority for such installation;
(e) the installation of any devices must be effected in a workmanlike manner by licensed and insured tradespersons;
(f) the devices must not interrupt the free flow of air or unreasonably shadow any other lot or the common property or generally interfere with access to the common property by any owner or occupier of a lot in the strata scheme or any person lawfully using the common property;
(g) any damage to common property that occurs during, or results from, the installation or subsequent removal or replacement of, or use of, any devices must be forthwith made good by the owners of the lot from which the damage results at no cost to the owners corporation;
(h) the devices must be maintained in good working order and condition by the owner without claim on the owners corporation in respect of such maintenance;
(i) the owner shall inform the secretary or strata managing agent of the scheme not later fourteen (14) days before *any* devices are to be replaced or renewed;
(j) all paint, stain and trim finishes applied to the devices shall be, and shall always remain, consistent with the materials and finishes in use throughout the remainder of the strata scheme at no cost to the owners corporation.

2. In the event that an owner or occupier of a lot to which any devices are installed, after notice, fails to comply with any matters set out in conditions (a) to (j) hereof then the owners corporation may terminate the right of the owner or occupier to install such devices.

3. In the event that an owner of a lot proposes the installation of any devices that, in their absolute discretion, the secretary or the strata managing agent believes is not consistent with the architectural theme established throughout the remainder of the, strata scheme buildings, the proposal must be decided by vote at a general meeting.

RECORD OF VOTING OF SPECIAL RESOLUTION:

3,206 out of 10,000 Unit of Entitlement (UOE) votes were cast at the meeting; the breakdown of votes was as follows:

2,640 UOE votes in favour of the motion (82.3%)
566 UOE votes against the motion (17.7%)
0 UOE votes abstained from voting

OFFER BY LOT 21 FOR COMMERCIAL USE OF COMMON AREA

MOTION 15	***OFFER BY OPAH RESTAURANT FOR COMMERICAL USE OF COMMON AREA ADJACENT TO LOT 21***	***Ordinary Resolution***

MOTION DEFEATED - That the owners corporation RESOLVES to:

(a) accept the offer made by the proprietor of the Opah Restaurant business that operates from lot 21 to make a one off payment in the sum of $5,000 to the owners corporation in consideration for acquiring exclusive use of the area of common property under the awning adjacent to lot 21 pursuant to a by-law as set out in the letter of Law Corporation dated 29 February 2016, a copy of which is attached to the notice of this meeting, and

(b) instruct the strata managing agent to engage a solicitor on behalf of the owners corporation to prepare a by-law to record the terms on which the owners corporation will grant the owner of lot 21 exclusive use of the area of common property under that awning for consideration at a subsequent general meeting;

to the intent that no legal relations are intended to arise between the parties until that by-law is approved by the owners corporation and registered.

Note: A one off payment in the sum of $5,000.00 to the Owners Corporation was unanimously rejected and it was agreed further negotiations be entered into with the Proprietor of Opah Restaurant to achieve a more reasonable Financial outcome.

RENOVATION APLLICATION & GUIDELINES

MOTION 16	***RENOVATION APPLICATION AND GUIDELINES***	***Ordinary Resolution***

RESOLVED that the owners corporation RESOLVES to:

(a) adopt and implement the *"Renovation Application and Guidelines"* documentation, a copy of which is attached to the notice of this meeting, to establish a clear procedure for individual owners seeking approval to carry out all future building works within their lots at the complex, and

(b) authorise the Executive Committee to improve/modify/enhance the Renovation Application and Guidelines at any time, at their sole discretion.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.15PM