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 on **Tuesday, 16th April 2019**
In the **BBQ Area**
1-3 McDonld Street, Cronulla
Commenced at 7.05pm

PRESENT: M Peoples (9), C Knowles (15), G & E Fitzgerald (22), C Opperman (31), S Jarvis (34), D & K Young (35), G Garvan (37), B Szumara (38), M Wynn (39), M Bright (41), Y Ryn (42), D Carey (45), J Harper (46), J Riordan (50), C & L Lock (51), B Salisbury (52), A & P Liu (53), C Beebe (54), K O'Shea (56), G & P Schuberg (58), F Seddon (60), E Thompson (67), W Hoddinott (70), A & S Hansen (72), G Curtain (75), D & L Gourley (83), N Bayliss (86), R Earle (90 and 96), J Farlow (91), W Coventry (92), C Pithers (94), E Macdonald (97), B Crewes (99), A Duncan (103) and E Korbel (104).

PRESENT BY PROXY: R Gower (68, 80 and 64 – Proxy to C Beebe), A Bailey & J Wasermeyer (71 – Proxy to D Goodwin), R & C Thomson (59 – Proxy to S Hansen), C Adams (102 – Proxy to S Hansen), S Carruthers (79 – Proxy to S Hansen), G & S Rennie (7 – Proxy to C Knowles) and R Cooper (14 – Proxy to G Fitzgerald – Invalid Proxy).

APOLOGIES: R McCubbin (17).

IN ATTENDANCE: D Goodwin and K Spink (Strata Title Management), J Stevens (Premier Contract Cleaning Pty Ltd), K Mystriotis & P Mystriotis (2 – Unfinancial), N & S Trovato (4 – Unfinancial), T.H.N.A Enterprises Pty Ltd (5 - Unfinancial – Company Nominee: T Kondevski), I & L Celarc (49 - Unfinancial)

CHAIRPERSON: D Goodwin (by delegation).

*** THERE BEING A QUORUM PRESENT THE CHAIRMAN DECLARED THE MEETING OPEN AT 7.00PM**

CONFIRMATION OF RECORDS		
MOTION 1.	***Minutes***	***Ordinary Resolution***
RESOLVED that the minutes of the previous General Meeting 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 statement of key financial information and the audited financial statements of accounts for the period **01/03/2018 to 28/02/2019** be adopted.		

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

RESOLVED that a recommended auditor be appointed for the financial year **01/03/2019 to 28/02/2020.**

MOTION 4.	***Term Deposits***	***Ordinary Resolution***

RESOLVED that the duly elected Treasurer be authorised to provide standing instructions to the Strata Managing Agent concerning the investment of trust funds into higher interest bearing accounts.

MOTION 5.	***Management of Levy Arrears***	***Ordinary Resolution***

RESOLVED that the Owners – Strata Plan No 50785 RESOLVE pursuant to the Strata Schemes Management Act 2015 (including Section 103) for the purpose of collecting levy contributions to authorise the Strata Managing Agent and/or the Strata Committee to do any one or more of the following:

a) to issue arrears notices, reminder notices and/or letters to seek recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs/expenses and arrange and monitor payment plans;

Important Note:

STM's debt recovery process is to send owners the original levy notice at six weeks prior to the due date. STM then sends a first reminder 34 days after the due date, a second reminder 48 days after the due date and a final reminder 64 days after the due date. The Owners Corporations solicitors will be engaged 28 days from the final reminder issue date. This strict process is necessary to ensure that our scheme have suitable cash flows in order to maintain expenditure levels for services.

b) 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- Strata Plan No 50785;

c) to issue demands, 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;

d) Enter and enforce any judgment obtained in the collection of levy contributions including issuing writ for levy of property (personal and real property), garnishee orders, examination notices/orders/hearings, bankruptcy notices, statutory demands and commencing and maintaining bankruptcy proceedings or winding up proceedings;

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

f) Liaise, instruct and prepare all matters with the Owners Corporation's debt collection agents, lawyers and experts in relation to any levy recovery proceedings.

MOTION 6.	***10 Year Capital Works Fund Forecast***	***Ordinary Resolution***

RESOLVED that the Owners Corporation review and adopt the Capital Works Fund Forecast as completed by **Solutions In Engineering** effective from **01/03/2017** for the anticipated major capital expenditure of the strata scheme over a 10 year period in accordance with Section 80 of the Strata Schemes Management Act 2015 (NSW).

MOTION 7.	***Levy Discount***	***Ordinary Resolution***

RESOLVED that the owners corporation decide, pursuant to Section 85(4) of the *Strata Schemes Management Act 2015 (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.

MOTION 8.	***Annual Budget and Contributions***	***Ordinary Resolution***

a) **RESOLVED** that in accordance with Section 79 of the Strata Schemes Management Act 2015, that the proposed annual budget* for the financial period **01/03/2019 to 29/02/2020** be adopted.

b) **RESOLVED** that in accordance with Section 81 of the Strata Schemes Management Act 2015, the proposed contributions (levies) payable for the financial period **01/03/2019 to 29/02/2020** be as follows: -

ADMINISTRATIVE FUND: $666,667.00 Plus GST
CAPITAL WORKS FUND: $433,333.00** Plus GST

And that the contributions be levied in four equal instalments in accordance with Section 81 of the Strata Schemes Management Act 2015 and payable by each Lot owner according to unit entitlement.

Proposed Administration Fund Budget

Levy Period	Due Date	TOTAL (INCL GST)
01.03.2019 - 31.05.2019	Previously Issued	$183,333.43
01.06.2019 - 31.08.2019	01.06.2019	$183,333.43
01.09.2019 - 30.11.2019	01.09.2019	$183,333.43
01.12.2019 - 29.02.2020	01.12.2019	$183,333.43
	TOTAL	**$733,333.70**
01.03.2020 - 31.05.2020	01.03.2020	$183,333.43
01.06.2020 - 31.08.2020	01.06.2020	$183,333.43

Proposed Capital Works Fund Budget

Levy Period	Due Date	TOTAL (INCL GST)
01.03.2019 - 31.05.2019	Previously Issued	$119,166.58
01.06.2019 - 31.08.2019	01.06.2019	$119,166.58
01.09.2019 - 30.11.2019	01.09.2019	$119,166.58
01.12.2019 - 29.02.2020	01.12.2019	$119,166.58
	TOTAL	**$476,666.30**
01.03.2020 - 31.05.2020	01.03.2020	$119,166.58
01.06.2020 - 31.08.2020	01.06.2020	$119,166.58

Levy periods commencing: *01/03/2019, 01/06/2019, 01/09/2019 and 01/12/2019.*

c) **RESOLVED** that in the event that the Owners Corporation is unable to hold the next Annual General Meeting by 15/01/2020, the Owners Corporation estimates and approves that the yearly and quarterly expenses of the scheme will be the same as those contained in the current budget and accordingly resolves to raise a levy for the quarter 01/03/20 to 31/05/20 quarter and 01/06/20 to 31/08/20 in the same amount and equivalent to the quarterly levy raised and payable for the previous quarter 01/12/20 to 29/02/20.

Note: ***The Owners Corporation resolved to adopt the Capital Works Fund Forecast and the above budget includes this.***

MOTION 9.	***Transfer of Funds***	***Ordinary Resolution***

RESOLVED that the Owners Corporation agree to transfer $175,000 from the Administration Fund to the Capital Works fund.

MOTION 10.	***Removing Limitation***	***Ordinary Resolution***

RESOLVED that in accordance with Section 102 of the Strata Schemes Management Act 2015, the Owners Corporation resolves to remove the limitation relating to expenditure in excess of 10% above the budget on any one item or matter.

MOTION 11.	***10 Year Capital Works Fund***	***Ordinary Resolution***

DEFEATED that the owners corporation resolve to do the following:

(a) Engage a suitably qualified consultant to review, carry out and/or assess the capital upgrade and maintenance requirements of the building for the next ten (10) years or an updated report each five (5) years, and provide the Capital Works Fund Analysis report; and

(b) To submit that report to the Strata Committee to determine what action is required, if any; and

(c) To delegate to the strata manager the function pursuant to the Agency Agreement additional duties schedule to undertake the seeking of quotations and engaging the contractor to prepare the report and any ancillary work approved by the Strata Committee.

MOTION 12.	***Election of Strata Committee***	***Election/Ordinary Resolution***

RESOLVED that in accordance with Regulation 9 of the Strata Schemes Management Regulation 2016, the election of the Strata Committee takes place and that:

a) The Chairperson announce the names of the candidates already nominated in writing for election to the Strata Committee;

S Carruthers (Lot 79)

I MacDonald (Lot 97)

b) The Chairperson call for any oral nominations of candidates eligible for election to the Strata Committee;

S Hansen (Lot 72)

D Gourley (Lot 83)

C Beebe (Lot 54)

K O'Shea (Lot 56)

C Knowles (Lot 15)

G Schuberg (Lot 58)

E Thompson (Lot 67)

R McCubbin (Lot 17)

c) The Chairperson declare that nominations are closed;

d) That the number of members to the Strata Committee be set at **9**.

An election took place to determine the candidates for the Strata Committee and it was resolved that the following candidates were appointed:

S Hansen

D Gourley

C Beebe

K O'Shea

G Schuberg

E Thompson

R McCubbin

S Carruthers

I MacDonald

MOTION 13.	***Restricted Matters***	***Ordinary Resolution***
RESOLVED that no additional restrictions be placed on Strata Committee other than those currently imposed by Section 36 (3b) of the Act.		

BUILDING INSURANCE

MOTION 14.	***Confirmation of Insurances***	***Ordinary Resolution***
RESOLVED that the Owners Corporation's insurance policies currently in place be confirmed.		

MOTION 15.	***Renewal of Insurance Policy***	***Ordinary Resolution***
RESOLVED that the Strata Managing Agent be instructed to renew next year's insurance policy through a recommended insurance broker, subject to recommendations for renewal being presented to the Strata Committee in accordance with the legislation.		

MOTION 16.	***Valuation for Insurance Purposes***	***Ordinary Resolution***
DEFEATED that an updated valuation for insurance purposes be obtained prior to the expiration of the current policy period and that the Strata Managing Agent be authorised to alter the sum insured in line with the valuation figure.		

MOTION 17.	***Additional Insurances***	***Ordinary Resolution***
RESOLVED that an insurance policy continues to be executed for office bearer's liability and/or misappropriation of money or property of the Owners Corporation.		

COMPLIANCE/RISK MANAGEMENT

MOTION 18.	***Commissions and Training Services***	***Ordinary Resolution***

RESOLVED that the report (below) be 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.

Commissions Report:
$7,480.00 in insurance commissions has been received by the managing agent in accordance with the strata management agency agreement during the past 12 months, and an amount of $7,480.00 in insurance commissions is expected to be received in the next 12 months.

Training Report:
The equivalent of $0.15 per lot in training services in the past 12 months, and an amount of $0.15 in training services is expected to be received in the next 12 months.

MOTION 19.	***Work, Health and Safety Report***	***Ordinary Resolution***

RESOLVED that the Owners Corporation engage *Solutions in Engineering* to carry out a Compliance Report of the common property in accordance with the *Work Health and Safety Act 2011.*

Note: It was agreed that the Workplace, Health and Safety Report be carried out after the remedial works have taken place.

MOTION 20.	***Annual Fire Safety Statement***	***Ordinary Resolution***

a) **RESOLVED** that the current Annual Fire Safety Statement be considered and to confirm the appointment of a Competent Fire Safety Practitioner required for the completion and submission of the next Annual Fire Safety Statement;

b) **RESOLVED** that Strata the Owners Corporation delegates authority to the Strata Managing Agent to sign and affix the common seal of an Owners Corporation on the Annual Fire Safety Statement for the purpose of lodgement to council and NSW Fire and Rescue; and be authorised to complete any necessary repairs on behalf of the Owners Corporation in order to satisfy the requirements of council in accordance with the Environmental Planning and Assessment Regulation 2000.

BUILDING DEFECTS

MOTION 21.	***Building Defects***	***Ordinary Resolution***

RESOLVED that the Owners Corporation considers any building defects at the strata scheme currently under a statutory warranty period under the Home Building Act 1989 and the proposed rectification of those defects.

NOTE: The Owners Corporation noted that they were unaware of any defects and that no action was required to be taken.

BUILDING REJUVENATION

MOTION 22.	**Tower entry foyer redecoration**	***Special Resolution***

a) **SPECIALLY RESOLVED** that the Tower entry foyer be redecorated with color change of walls, removal of carpet and complete floor area tiled, and change of furniture, artwork and light fittings.

TOTAL UE VOTES FOR: 4375
TOTAL UE VOTES AGAINST: 214
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

b) **SPECIALLY RESOLVED** that the Tower Ground Floor lift lobby be redecorated with color change of walls, color change of replacement carpet, removal of edge tiling, and change of furniture and light fittings.

TOTAL UE VOTES FOR: 4589
TOTAL UE VOTES AGAINST: 0
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

Note: The colour scheme for these redocrations was resolved as per the dislay in which has been placed in the foyer.

MOTION 23.	**Tower Lift Car interior rejuvenation**	***Special Resolution***

SPECIALLY RESOLVED that the interior of both Tower Lift Cars be renewed and their floors tiled.

TOTAL UE VOTES FOR: 4211
TOTAL UE VOTES AGAINST: 378
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

MOTION 24.	**Residential Hallways Redecoration**	***Special Resolution***

a) **SPECIALLY RESOLVED** that the hallways of Tower levels 1 to 6 be redecorated with color change of walls, color change of replacement carpet, change of light fittings, and replacement of unit door numbers.

TOTAL UE VOTES FOR: 4589
TOTAL UE VOTES AGAINST: 0
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

b) **SPECIALLY RESOLVED** that the hallways of Tower levels 7 to 10 be redecorated with color change of walls, color change of replacement carpet, fitting of wall edge tiles, change of light fittings, and replacement of unit door numbers.

TOTAL UE VOTES FOR: 4589
TOTAL UE VOTES AGAINST: 0
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

c) **SPECIALLY RESOLVED** that the Lowrise hallways be redecorated with color change of walls, color change of stair railings, color change of replacement carpet, and replacement of unit door numbers.

TOTAL UE VOTES FOR: 4589
TOTAL UE VOTES AGAINST: 0
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

MOTION 25.	**Complex Exterior Color Change**	***Special Resolution***

SPECIALLY RESOLVED that the exterior of all our buildings be repainted in an updated color scheme.

TOTAL UE VOTES FOR: 4589
TOTAL UE VOTES AGAINST: 0
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

Note: The colour resolved for the repainting fo the scheme was White Pointer. It was also requested by Lots 104 and 53 that the Strata Committee consider that a Project Manager be engaged to oversee the remedial works in the complex (to be discussed in the Strata Committee Meeting directly following the AGM)

MOTION 26.	**Residential Resort Area rejuvenation**	***Special Resolution***

a) **SPECIALLY RESOLVED** that the existing original terracotta tiling of the pool and BBQ areas, including the steps to the pool area gate, be replaced, along with associated waterproofing works. Retiling will include replacement of the pool coping tiles and blue waterline tiles.

b) **SPECIALLY RESOLVED** that the existing BBQ setup be renovated with new tiling and new BBQs.

TOTAL UE VOTES FOR: 4589
TOTAL UE VOTES AGAINST: 0
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

Note: Tile samples were not available to the time of the meeting and as such, a General Meeting will need to be convened in order to approve a choice of tiles.

MOTION 27.	***Garage Entry***	***Special Resolution***

DEFEATED that it be SPECIALLY RESOLVED that consideration be given for weather protection cover over the garage entry key reader.

TOTAL UE VOTES FOR: 92
TOTAL UE VOTES AGAINST: 4497
TOTAL VOTES COUNTED: 4589
MOTION DEFEATED BY SPECIAL RESOLUTION

MOTION 28.	**Special By-Law 125 –Lots 31, 35, 43 & 72 Works**	***Special Resolution***

SPECIALLY RESOLVED pursuant to section 141 of the *Strata Schemes Management Act 2015* THAT an additional by-law be made, **Special By-Law 125 – Work permitted to be undertaken in Residential Lots 31, 35, 43 & 72** on the terms attached to the notice of this meeting, and that notification of the by-law be lodged for registration at the Registrar- General's Office.

TOTAL UE VOTES FOR: 0
TOTAL UE VOTES AGAINST: 4589
TOTAL VOTES COUNTED: 4589
MOTION DEFEATED BY SPECIAL RESOLUTION

MOTION 29.	**Special By-law 126 - Requirements for Commercial Lots**	***Special Resolution***

a) **MOTION WITHDRAWN** that the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* THAT an additional by-law be made, **Special By-law 126 — Requirements for Commercial Lots** on the terms attached to the notice of this meeting, and that notification of the By-law be lodged for registration at the Registrar-General's Office.

B) Subject to the above motion being passed, **RESOLVED** that the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* to repeal **Special By-law 42 — By-laws applicable to Commercial Lots** on the terms attached to the notice of this meeting, and that notification of the repeal be lodged for registration at the Registrar-General's Office.

The above motion was withdrawn as consent forms were not received from all affected lot owners. The owner of Lot 4 requested the Strata Committee to consider waiving all previous commercial licence fees (payable as per Special By-Law 42), should all commercial lot owners provide consent forms for the suggested replacement by-law 126.

MOTION 30.	**Repeal of Special By-law 21 — Exclusive Use of Common Property (Lot 21)**	***Special Resolution***

SPECIALLY RESOLVED that pursuant to section 141 of the *Strata Schemes Management Act 2015* to repeal **Special By-law 21 — Exclusive Use of Common Property (Lot 21)** on the terms attached to the notice of this meeting, and that notification of the repeal be lodged for registration at the Registrar-General's Office.

TOTAL UE VOTES FOR: 4589
TOTAL UE VOTES AGAINST: 0
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

MOTION 31.	**Amendment of Special By-law 27 — Lot 21 Glazing works**	***Special Resolution***

SPECIALLY RESOLVED that pursuant to section 141 of the *Strata Schemes Management Act 2015* an amendment be made to **Special By-law 27 — Lot 21 Glazing works** (Registered incorrectly as Special By-law 2 September 30 2003: AA96463P) – by:

a) deleting the definitions of "Elevator" and "Elevator tower" from A(i); and

b) deleting clauses C(iii) and(iv) and renumbering subsequent clauses, thereby returning responsibility for maintenance of the lift and lift tower to the OC, and that notification of the amendment be lodged for registration at the Registrar-General's Office.

TOTAL UE VOTES FOR: 4589
TOTAL UE VOTES AGAINST: 0
TOTAL VOTES COUNTED: 4589
MOTION CARRIED BY SPECIAL RESOLUTION

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 9.10PM

Daniel Goodwin
STRATA TITLE MANAGEMENT
Dated: Thursday, 18 April 2019