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STRATA TITLE MANAGEMENT

NOTICE OF
EXTRAORDINARY GENERAL MEETING

THE OWNERS – STRATA PLAN 50785
AT 1 MCDONALD STREET, CRONULLA

Date: **TUESDAY 3RD DECEMBER 2019**

Time: **7.00pm**

Venue: **The BBQ Area, 1-3 McDonald Street Cronulla NSW 2230**

Prepared by: Daniel Goodwin
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STRATA TITLE MANAGEMENT

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LETTER FROM THE STRATA MANAGING AGENT

Dear Owners,

We are pleased to invite you to attend the Extraordinary General Meeting (EGM) of The Owners-Strata Plan 50785

The motions to be determined at the meeting as well as explanatory notes on each motion are detailed in the meeting notice. We urge you to carefully read the motions and associated documentation so that you are fully aware of the items to be determined.

If you are unable to attend the meeting, we encourage you to indicate your voting intentions by completing and returning the accompanying proxy appointment form to our office via fax (9266 2699) or email your strata manager directly 24-hours prior to the meeting. You may appoint any person to attend the meeting and vote on your behalf. Alternatively, you may appoint the chairperson.

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 may be 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 resolution 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.

We trust this information proves helpful and look forward to seeing you at the meeting.

Yours Sincerely ,
STRATA TITLE MANAGEMENT



Daniel Goodwin
Senior Strata Manager
dgoodwin@stratatitle.com.au
Dated: 26th November 2019

IMPORTANT INFORMATION ABOUT VOTING AT THE EXTRAORDINAY 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 the Strata Schemes Management Act 2015 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 EXTRAORDINARY GENERAL MEETING

1. A motion submitted at the Extraordinary 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 there is no quorum for business at a general meeting, the Chairperson, after waiting half an hour, will be able to declare that the persons present constitute a quorum. **IMPORTANT NOTE:** It is STM's policy to open the meeting after half an hour, rather than adjourn the meeting for at least 7 days to minimise additional meeting related expenses for the Owners Corporation.

5. If however a quorum is not present within half an hour after the relevant motion or business arises for consideration at the meeting, then the Chairperson may adjourn the meeting for at least 7 days. A further notice will be given about the adjourned meeting.

6. 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.

IMPORTANT INFORMATION ABOUT RESOLUTIONS AT THE EXTRAORDINARY GENERAL MEETING

For voting purposes:

1. An ordinary resolution is passed if the majority of the votes cast are in favour of the motion.
2. A special resolution is passed if not more than 25% of votes cast (based on the unit entitlement of the voter) are cast against the motion.
3. A unanimous resolution is passed if no vote is cast against the motion.

NOTICE OF EXTRAORDINARY GENERAL MEETING OF THE OWNERS CORPORATION – SP 50785

NOTICE OF BUSINESS to be dealt with at the Extraordinary General Meeting of the Owners-Strata Plan 50785
To be held on **Tuesday 3rd December 2019**
In the **BBQ Area, 1-3 McDonald Street, CRONULLA**
Commencing at 7pm

PRELIMINARIES

1. Recording of persons present personally or by proxy.
2. Recording of apologies.
3. Announcement of persons entitled to vote.
4. Determination of quorum.
5. Determination of Motions 1 - 8

CONFIRMATION OF RECORDS

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

THAT the minutes of the previous General Meeting 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, a copy of which is included in the meeting notice.

MOTION 2	***Rectification of Special By-law 125 — Lot 22 (Unit B15) Major Work***	***Special Resolution***

THAT The Owners Corporation SPECIALLY RESOLVES to ratify the typographical correction made to the Lot number in the text of Special By-law 125 — Lot 22 (Unit B15) Major Work and already registered on title at the Registrar-General's Office.

Explanatory Note: A typographical error by Strata Title Management resulted in ***Special By-law 125 — Lot 22 (Unit B15) Major Work*** *being registered although the wording referred to an incorrect Lot number. Opportunity was taken to rectify this minor error with a recent registration of the Consolidated By-laws, and the corrected By-law is now on Title. This is a Special Resolution requiring no more than 25% of Owners to vote against for it to pass.*

MOTION 3	***R2 Zinc Bar Change of DA***	***Ordinary Resolution***
THAT the Owners Corporation RESOLVES to endorse the request of R2 Zinc operator Ross Robinson, to lodge application for change the DA for that business to a general bar licence.		
Explanatory Note: Please refer to the attached letter from Ross Robinson dated 10 November 2019. The Owners Corporation needs to consider the ramifications of this DA change on the amenity of the local area, and any possible adverse impact to our residents.		

MOTION 4	***Foxtel Upgrade***	***Ordinary Resolution***
THAT the Owners Corporation RESOLVES to upgrade the Foxtel infrastructure in the complex at the cost of $14630 GST inclusive.		
Explanatory Note: Each residential unit in our complex was cabled with antenna sockets and a single RG6 cable for satellite subscriber connection through Austar, later Foxtel. With changing technology, we were forced to upgraded to a TDT system in 2009 at the substantial cost of $52344.71 GST inclusive. Technology has again changed, and the TDT system is no longer supported. Foxtel informs us there are a surprising fifty-two subscribers in our building, although we only received responses to our recent survey from half that number of occupants. Many of the subscribers are unsure exactly what Foxtel system they are using, but most seem to want to stay with Foxtel over satellite rather than move to newer and less expensive streaming services available to everyone over the NBN. The Strata Committee has considered several options to enable Foxtel subscribers to continue using our building infrastructure. The best option is the installation of a new Multistacker unit on top of the TDT system at a cost of $14630 including GST. This will support the iQ4 system, as well enable existing Foxtel subscribers to retain their present equipment for now without being forced to immediately upgrade. Please note that as the TDT system progressively fails, parts can be swapped around but channels will cease to be available and eventually Foxtel subscribers will have to move to the latest platform. The recommended choice is Option 2 in the attached documentation from TVSat.		

MOTION 5	Amendment of **Special By-law 109 — Vehicles & Garages**	***Special Resolution***
THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* THAT the wording of existing **Special By-law 109 — Vehicles & Garages** be amended 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		
Explanatory Note: The existing Vehicles & Garages By-law requires slight amendment to its wording for clarity on the permissible use of Visitor Parking. The alterations appear in the attachment: Deletions are ~~struck though~~ and additions are in red type. This is a Special Resolution requiring no more than 25% of Owners to vote against for it to pass.		

MOTION 6	**Special By-law 128 — Lot 63 (Unit C35) Major Work**	***Special Resolution***
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 128 — Lot 63 (Unit C35) Major Work 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.		
Explanatory Note: This By-law has been consented to by the Owner of Lot 63 to cover the proposed Major Work on their Lot, and details the terms and conditions under which that Major Work is approved. This is a Special Resolution requiring no more than 25% of Owners to vote against for it to pass.		

MOTION 7	**Special By-law 129 — Installation of Shade Protection**	***Special Resolution***
a) 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 129 — Installation of Shade Protection 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) THAT subject to the above motion being passed, the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the Strata Schemes Management Act 2015 to repeal Special By-law 46 Installation of Awnings 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.		
Explanatory Note: The recent issue with the Hogsbreath awning seriously impacting another Lot revealed serious shortcomings in the existing ***Special By-law 46 Installation of Awnings****, and subjected us to legal expense as a party in helping resolve the dispute between Lot 1 and the affected Lot 2. The new By-law addresses these, and makes the rights and responsibilities clearer. This is a Special Resolution requiring no more than 25% of Owners to vote against for it to pass. If* ***Special By-law 129 — Installation of Shade Protection*** *is not passed, the existing terms and conditions of the legacy* ***Special By-law 46 Installation of Awnings*** *will remain and will be enforced.*		

MOTION 8	**Deed of Settlement and Release – Awning - Lots 1 and 2**	***Special Resolution***

a) **THAT** it be RESOLVED to settle the dispute between the owner of Lot 2, Roldon Holdings Pty Ltd; the Owner and Tenant of Lot 1, Layrir Pty Ltd and Delcazi Pty Ltd respectively; and the Owners Corporation; concerning the erection by the Tenant of Lot 1 of an awning on the exclusive use area adjacent to that Lot and related matters covered by proceedings in the NSW Civil and Administrative Tribunal file number SC 19/23354 on the terms and conditions of the attached draft deed of settlement and release, to approve and enter into that deed and authorise and direct the Strata Managing Agent or two members of the Strata Committee to execute and witness the affixing of the common seal onto the deed on behalf of the Owners Corporation.

b) **THAT** should the deed be amended by the parties in dispute (not as to significantly change its intent) the Strata Committee be authorised to instruct the Managing Agent or two members of the Strata Committee to execute and witness the affixing of the common seal onto the amended deed on behalf of the Owners Corporation.

Explanatory Note: *The deed of settlement and release is required to be executed to finalise the dispute between Lot 1, Lot 2 and the Owners Corporation. This is a Special Resolution requiring no more than 25% of Owners to vote against for it to pass.*

_____

STRATA TITLE MANAGEMENT

Dated: 26th November 2019

STRATA TITLE MANAGEMENT
your strata care company

PROXY APPOINTMENT FORM | STRATA SCHEMES MANAGEMENT ACT 2015

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	For/Against	**Motion 6**	For/Against
Motion 2	For/Against	**Motion 7a**	For/Against
Motion 3	For/Against	**Motion 7b**	For/Against
Motion 4	For/Against	**Motion 8a**	For/Against
Motion 5	For/Against	**Motion 8b**	For/Against

***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.**

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

Notes:
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).
6 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.
7 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.

COMPANY NOMINEE FORM

To the Secretary
The Owners – Strata Plan 50785

C/- Strata Title Management
P O Box 2727
TAREN POINT NSW 2229

I/we ..... (Company Trading Name & ACN) being a company duly incorporated in the State of New South Wales having its registered office at..... (registered office address) hereby nominates, constitutes and appoints ..... (Nominee Name) as its appointed nominee as owner / mortgagee / covenant chargee* for lot no.(s) ..... for the purposes of exercising the rights, powers, authorities and functions of the company under the Strata Schemes Management Act 2015 (as amended).

The address for service of notices to the above nominee is:

.....
(Address)

Dated this ..... day of ....
(Day) (Month) (Year)

The Common Seal of

.....
(Company Trading Name)

Was hereto affixed by authority of the Board
of Directors in the presence of:

....
Signature of Secretary/Director Signature of Secretary/Director

....
Name of Secretary/Director Name of Secretary/Director

.....
Signature of Nominee