NOTICE OF ANNUAL GENERAL MEETING OF THE OWNERS CORPORATION – 50785

NOTICE OF BUSINESS to be dealt with at the Annual General Meeting of the Owners - Strata Plan No 50785
To be held on **Wednesday, 23 September, 2020**
Club Cronulla, 41 Croydon Street, CRONULLA, NSW, 2230
Commencing at 07:00 PM

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

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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: This motion refers to accepting the minutes of the last general meeting, a copy of which is included in the meeting notice.

Motion 2.	Financials	Ordinary Resolution

THAT the statement of key financial information and the audited financial statements of accounts for the period 1st of March 2019 to 29th of February 2020 be adopted.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
The Audited financial statements are attached for your review.
Note: Any questions relating to the budget or financial statements should be directed to our office PRIOR to the meeting.

SP50785's (GSTE) Financial Statements
by David Gourley unit 55C, Treasurer.

1/3/2019 to 29/2/2020 Financial Statements

Administration Fund (AF)
**Another good result, coming in $80,000+ better than the adjusted budget.*
**The budget projected a year end balance of $326,503.07 which was adjusted to $81,013.52 after allowing for the $175,000 transferred to our CWF, write-off of the previous reported $104,489.55 from the disputed old exclusive use restaurant By-Law 42 and the addition of $34,000 from the new and agreed exclusive use restaurant By-Law 128.*
We finished with a year end AF balance of $161,484.99.
**Significant favourable expenditure variances between actual and budget were :*
** Legal fees, $50,000 budgeted and only $15,735.06 spent*
** General repairs, $30,000 budgeted and $19,629.65 spent*
**There was 1 significant unfavourable expenditure variance between actual and budget, being Fire Brigade call-out plus monitoring administration fees unable to be recovered, only $3,600 budgeted but $16,450.91 paid. However, since this year end we have on-charged a further 3 incidents resulting in ($5,312.00) now appearing in our 2020/21 financials – hopefully the frequency of these incidents has ceased, forever.*

Capital Works Fund (CWF)
- *Also a good result, with an adjusted year end budget balance of $452,016.49 (budget was $287,016.49 + the $175,000 transferred from our AF), and an actual year end balance of $616.906.37.*
- *But then not all budgeted projects were completed. Those completed do look good, especially the tower foyer, pool & surrounds. painting of buildings, carpeting, etc.*
- *We also took on additional works for resurfacing the pool (had only planned to resurface the external spa), removal of rusted metal structure in BBQ area, roof over BBQ + Foxtel iQ4 capability with the multi-stacker installation*
- *We had a budget blow-out associated with the extensive remedial work in cutting out rust from the tower exterior/balconies, but this was covered by our contingency allowance.*
- *Water ingress rectification was allowed at $40,000 but only came in at $571. However, this will be a major expense area in 2020/21.*

Motion 3.	Auditor	Ordinary Resolution

THAT a recommended auditor be appointed for the financial year 1/3/20 to 28/2/21.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: 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) or has the total of other income, total annual levies and the total of funds held on deposit that is greater than $250,000.

Motion 4.	Term Deposits	Ordinary Resolution

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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
This motion is to provide the Treasurer with the expressed authority of the Owners Corporation to provide the Strata Managing Agent instructions on investing trust funds in term deposit accounts or other approved investment accounts to achieve a higher level of interest on your trust funds.

Motion 5.	Management of Levy Arrears	Ordinary Resolution

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:

1. 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 calendar days after the due date, a second reminder 48 calendar days after the due date and a final reminder 64 calendar days after the due date. Our solicitors will be engaged 28 calendar days from the final reminder issue date. Charges for the reminder notices are included in the Agency Agreement. Interest is charged on all outstanding debts and retained by the Owners Corporation. This strict process is necessary to ensure that our scheme have suitable cash flows in order to maintain expenditure levels for services.
2. 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;
3. 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;
4. 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;
5. Filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions; and
6. Liaise, instruct and prepare all matters with the Owners Corporation's debt collection agents, lawyers and experts in relation to any levy recovery proceedings.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
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.

Motion 6.	Payment Plans	Ordinary Resolution

THAT the Owners – Strata Plan 50785 RESOLVE to agree to enter into payment plans generally for matters involving arrears of unpaid contributions/levies or other amounts including interest, legal and other costs/expenses thereon and to delegate to the strata manager and/or the strata committee the ability to enter into, arrange and monitor each such payment plan limited to a period of 12 months per payment plan with any further or subsequent payment plan to be entered into as agreed by the strata committee or owners corporation by resolution.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: Pursuant to Sections 85(5) – (85)(7)of the Strata Schemes Management Act 2015 and Regulation 18 and 19 of the Strata Scheme Management Regulations 2016 an owners corporation may agree to enter into payment plans generally or in particular cases for the payment of overdue contributions by a resolution passed at a general meeting. This resolution provides the power for the owners corporation to enter into such payment plans.

Motion 7.	Adopt 10 Year Capital Works Fund Forecast	Ordinary Resolution

THAT the Owners Corporation review and adopt the Capital Works Fund Forecast as completed by Solutions In Engineering effective from 7/2/17 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).

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
This motion is to resolve to adopt the recommendations of the Capital Works Fund Forecast to ensure sufficient funds are available in the future for major capital expenditure.

COMMENTS FROM DAVID GOURLEY, TREASURER

Any person involved in establishing a financial forecast knows that the minute it is created, it is out of date. So, to expect that a 10 year forecast created back in February 2017 would still be valid for 2020/21 is totally unrealistic.
As your SP50785 Treasurer I have presented realistic annual plans based on current information along with meeting all established expenditures while looking to have levy stability, and we are achieving this. But then, this is now contrary to the 10 year forecast of 2017 in that we should have been lifting CWF levies 3.1% year on year so that 2020/21 income would be at $427,406 whereas I am only budgeting $400,000 based on no CWF levy increases since 2017, and while meeting all our ever changing CWF expenditures the 10 year forecast shows a 2020/21 year end balance of $564,644 which is reasonably in line with my slightly higher projected 2020/21 balance of $577,906 prior to any additional works that may be approved in motions 23 – 25 inclusive.
So, I propose that we update our 10 year CWF forecast (refer motion 11 and comments), and I will be voting NO against motion 7.

Motion 8.	Levy Discount	Ordinary Resolution

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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
Explanatory Note: In accordance with Section 85 (4) the owners corporation must decide by Ordinary 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 9.	Annual Budget and Contributions	Ordinary Resolution

1. **THAT** in accordance with Section 79 of the Strata Schemes Management Act 2015, that the proposed annual budget* for the financial period 1/3/20 to 28/2/21 be adopted.

2. **THAT** in accordance with Section 81 of the Strata Schemes Management Act 2015, the proposed contributions (levies) payable for the financial period 1/3/20 to 28/2/21 be as follows:-

ADMINISTRATIVE FUND: $733,333.70 GST Inclusive
CAPITAL WORKS FUND:** $476,666.30 GST Inclusive

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

Levy Status	Financial Period	Period From	Period To	Due	Admin Fund	Per Lot Entitlement
Already Issued	Current	1 Mar 2020	31 May 2020	1 Mar 2020	$183,333.42	$18.33334
Already Issued	Current	1 Jun 2020	31 Aug 2020	1 Jun 2020	$183,333.42	$18.33334
Already Issued	Current	1 Sep 2020	30 Nov 2020	1 Sep 2020	$183,333.42	$18.33334
	Current	1 Dec 2020	28 Feb 2021	1 Dec 2020	$183,333.44	$18.33334
Total		1 Mar 2020	28 Feb 2021		**$733,333.70**	**$73.33337**

Interim Periods

Levy Status	Financial Period	Period From	Period To	Due	Admin Fund	Per Lot Entitlement
To be Issued	Next	1 Mar 2021	31 May 2021	1 Mar 2021	$183,333.43	$18.33334
To be Issued	Next	1 Jun 2021	31 Aug 2021	1 Jun 2021	$183,333.43	$18.33334
Total		1 Mar 2021	31 Aug 2021		**$366,666.84**	**$36.66668**

Levy Status	Financial Period	Period From	Period To	Due	Capital Works Fund	Per Lot Entitlement
Already Issued	Current	1 Mar 2020	31 May 2020	1 Mar 2020	$119,166.58	$11.91666
Already Issued	Current	1 Jun 2020	31 Aug 2020	1 Jun 2020	$119,166.58	$11.91666
Already Issued	Current	1 Sep 2020	30 Nov 2020	1 Sep 2020	$119,166.58	$11.91666
	Current	1 Dec 2020	28 Feb 2021	1 Dec 2020	$119,166.56	$11.91666
Total		1 Mar 2020	28 Feb 2021		**$476,666.30**	**$47.66663**

Interim Periods

Levy Status	Financial Period	Period From	Period To	Due	Capital Works Fund	Per Lot Entitlement
To be Issued	Next	1 Mar 2021	31 May 2021	1 Mar 2021	$119,166.58	$11.91666

To be Issued	Next	1 Jun 2021	31 Aug 2021	1 Jun 2021	$119,166.58	$11.91666
Total		1 Mar 2021	31 Aug 2021		**$238,333.16**	**$23.83332**

Levy periods commencing: 1/3/20, 1/6/20, 1/9/20, 1/12/20

NOTE: THE ABOVE FIGURES ARE BEFORE THE DISCOUNT (SUBJECT TO MOTION 8 BEING RESOLVED)

3. **THAT** in the event that the Owners Corporation is unable to hold the next Annual General Meeting by 15/1/21, 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 1/3/21 to 31/5/21 quarter and 1/6/21 to 1/9/21 as per the table above.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
The financial statements are attached for your review. To raise any questions in relation to the accounts, please make contact with our team giving a minimum 24 hours' notice prior to the commencement of the meeting. If you wish to propose an amendment to the budget please ensure that you attend the meeting and ABSTAIN from voting on this motion by pre-electronic vote.

COMMENTS FROM DAVID GOURLEY, TREASURER

1/3/2020 to 28/2/2021 Budget & Contributions

Administration Fund (AF)
**No change proposed to existing AF levies yet again, with our last AF levy increase being back in 2016.*
**We commence the year with a balance of $161,484.99, add budgeted income of $613,000.00 less $618,768.00 for budgeted expenditures, and end the year with a projected balance of $155,716.99.*
**Propose that we retain any balance in our AF until required to be transferred to our CWF, that way we increase the prospect of further AF levy stability for 2021/22, and maybe beyond – but no guarantees at this point !*
**Budgeted income excludes the commercial exclusive use By-Law 128 of $34,000 per annum, after allowing for COVID-19 hardship provisions.*
**Budgeted Expenditures of note are :*
**$100,000 for insurance premium. The 2019/20 insurance premium cost us $75,944.53 thankfully as the competitive quotes initially received were a lot higher. We are now expecting a significant uplift this year.*
**20,000 for legal fees. Nothing specific here, unlike last year where we budgeted $50,000.*
**$0 for Fire Brigade non-rechargeable call out fees, as we are currently showing (5,312.00) being the on-charges as mentioned above. Additional cameras have now been installed.*

Capital Works Fund (CWF)
**Also no change proposed to existing CWF levies yet again, with our last CWF levy increase being in 2017.*
**We commence the year with a balance of $616,906.37, add budgeted income of $400,000.00 less $439,000 for budgeted expenditures, and end the year with a projected balance of $577,906.37. This budget excludes any further re-paving works beyond the completed pool/spa/ bbq works.*
**Budgeted expenditures of note are :*
**$100,000 water ingress provision*
**$60,000 works under $10,000 each from our current 10 year forecast.*
**$69,280 balance of tower lift refurbishment*
**$50,000 replacement of air conditioners provision*
**$42,265 other unidentified works*
**$30,000 fire safety works provision*
**$15,700 replacement of entry roller shutter*

Motion 10.	Removing Limitation	Ordinary Resolution

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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
In accordance with Section 102 of the Strata Schemes Management Act 2015, 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 a general meeting can be expensive and burdensome on the Owners Corporation, and this motion gives the Owners Corporation the ability to remove this requirement.

Motion 11.	10 Year Capital Works Fund Forecast	Ordinary Resolution

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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
The owners corporation must prepare a plan of anticipated major expenditure to be met from the capital works fund over the 10-year period commencing on the date of the first annual general meeting. The capital works fund plan must be reviewed at least once every 5 years.

The preparation of this plan is a significant exercise and the legislation allows the owners corporation to engage expert assistance in its preparation. The meeting must discuss the preparation or review of this plan. A copy of the current plan is available from the strata manager and a copy will be available at the meeting.

Further Comments (From David Gourley, Treasurer)

**We are required to update the 10 year CWF forecast every 5 years, and this 2020/21 year will take us only into year 4 of our current plan.*
**However, I propose that we update it now as this year + last year's actual plans display little relevance to the current 10 year plan, and there should be reasonable annual relevance ! We are also now aware of significant tower lift expenditures forecast for replacement of controllers, door equipment and lift machines. Also need to provide for remaining re-paving works.*
**Cost of updating this forecast should be around $2,000.*
**After calling tenders for the work, the actual new forecast should be based on – all figures to be GSTE, include all identifiable expenditures + $50,000 per annum for other unidentified works, have year end balances between $200,000 and $1,000,000 and hopefully with no CWF levy increases for at least the initial 5 years.*

Motion 12.	Election of Strata Committee	Ordinary Resolution

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; and
(b) The Chairperson call for any oral nominations of candidates eligible for elections to the Strata Committee;
(c) The Chairperson declare that nominations are closed;
(d) That the number of members to the Strata Committee be set.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
The election of the Strata Committee cannot be decided by pre-electronic voting. You must attend the meeting in person/electronically or by duly appointed proxy.
Should you wish to nominate yourself or another person to the Strata Committee this can be done verbally at the meeting or by notifying your Strata Manager in writing prior to the meeting.
If you are pre-voting only and are not going to attend the meeting, please ABSTAIN from voting.
The election of the Strata Committee process is clearly set out in Regulation 9 of the Strata Schemes Management Regulation 2016. If the number of candidates:

1. *is the same as, or fewer than, the number of members of the Strata Committee decided, on-those candidates are to be declared by the chairperson to be, and are taken to have been, elected as the Strata committee, or*
2. *is greater than the number so decided on, a ballot is to be held.*

The Strata Schemes Management Act 2015 (NSW) states that the Owners Corporation must have a Strata Committee and your Strata Committee must be comprised of no more than 9 members, unless you are a large scheme in which case you must have between 3 and 9 members.

Motion 13.	Restricted Matters	Ordinary Resolution

THAT no additional restrictions be placed on Strata Committee other than those currently imposed by Section 36 (3b) of the Act.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: Explanatory Note: This motion is a statutory motion. An owners corporation must consider at each Annual General Meeting whether the Strata 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 owner's corporation at a general meeting.

Motion 14.	Confirmation of Insurance	Ordinary Resolution

THAT the Owners Corporation's insurance policies currently in place be confirmed.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: In accordance with Section 160-164 of the Strata Schemes Management Act 2015, the Owners Corporation is required to take out insurances for all the required insurance policies, through an approved insurer.Insurances are already in place as detailed in the enclosed schedule of insurances and these need to be confirmed. 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 your insurers website.

Motion 15.	Renewal of Insurance Policy	Ordinary Resolution

THAT the Strata Managing Agent be instructed to renew next years insurance policy through a recommended insurance broker, subject to recommendations for renewal being presented to the Strata Committee in accordance with the legislation.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: This motion is to decide to engage the services of an insurance broker to go out to the market and obtain at least 3 insurance quotations prior to renewal. Once received, the quotations will be referred to the Strata Committee to resolve a decision on which insurer to renew with. In accordance with Section 166 of the Strata Schemes Management Act 2015, if at least 3 quotations are not able to be obtained, a written explanation will be provided to the Strata Committee. We currently use Body Corporate Brokers (BCB) whose Financial Services Guide is attached to this Notice.

Motion 16.	Valuation for Insurance Purposes	Ordinary Resolution

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.
Note: Last Valuation obtained: 28 Dec 2017

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
This motion is to decide to engage the services of a registered valuer to provide a valuation of the property for replacement and restitution purposes. Industry experts recommend that a valuation be obtained at least every year to ensure your building is adequately covered as per the requirements of the Strata Schemes Management Act 2015.

The property was last valued in 2017 for $85,651,000 and the property is currently insured for $94,430,227.

Motion 17.	Additional Insurances	Ordinary Resolution

THAT an insurance policy continues to be executed for office bearer's liability and/or misappropriation of money or property of the Owners Corporation.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: In accordance with Section 165 (2) of the Strata Schemes Management Act 2015, the Owners Corporation must consider taking out additional insurances referred to Office Bearer's Liability Insurance and Fidelity Guarantee/Crime Insurance to cover instances such as: (a) Damage to property, death or bodily injury for which a person holding the office of Chairperson, Secretary or Treasurer of the Owners Corporation or of a member of the Strata Committee of the Owners Corporation could become liable in damages because of an act or omission, committed or omitted in good faith, in performing the functions of that office, (b) Misappropriation of money or other property of the owners corporation.

Motion 18.	Commissions and Training Services	Ordinary Resolution

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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
The strata managing agent under Section 60 of the Strata Schemes Management Act 2015 is required to disclose all commissions or training services provided to the strata managing agent for the strata scheme. As at the date of the notice of this meeting the strata managing agent has received the following:

Commissions Report: *$7,150.00 in insurance commissions has been received by the managing agent in accordance with the strata management agency agreement during the past 12 months. STM are of the conservative view the estimated insurance commission to be received in the next 12 months will remain largely the same as in the current 12 months, on the basis the current strata insurance underwriting market remains highly competitive and therefore any increase in insurance premiums and therefore, resultant commission change, is unlikely.*

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

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.

Last Report Undertaken: 7/7/16

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: The Work Health and Safety Act 2011 has dramatically affected the manner in which an Owners Corporation or an owner must consider their duties under the law, especially in regard to the health and safety of any workers engaged on their common property. The Act places duties upon a 'person conducting a business or undertaking' (PCBU) which are owed to a 'worker'. Per the definition of a PCBU in the Act, a PCBU could be an Owners Corporation; the occupier of the lot; a caretaking service contractor or letting agent or a Strata Manager.

Likewise, a 'worker' under the Act could be an employee; a contractor or subcontractor; an employee of the contractor or subcontractor or any person who receives direction from a PCBU while on the property (for example, a volunteer or work experience student).

As persons conducting a business or undertaking, you have obligations to ensure the risk of injury or illness is minimised for persons coming into or leaving the property, visitors and workers alike.
Due to the broad implications of the Work Health and Safety Act 2011, it is vital that an Owners Corporation or an owner undertakes measures to ensure their property or properties comply with the new requirements. Failure to comply with your obligations could mean a fine of up to $600,000 and/or 5 years imprisonment for individuals or a fine up to $3,000,000 for an Owners Corporation.

A Code of Practice entitled "How to Manage Work Health and Safety Risks" has been designed by Solutions In Engineering to address potential hazards in work environments, the Code recognises that assessing the health and safety risks in a workplace or property is an ongoing responsibility, and risk management plans may need to be reviewed weekly or monthly.

Due to the nature of the risks that may be encountered by workers engaged on the common property in a strata environment, it is reasonable that the regularity in which risk management plans should be reviewed may be stretched up to a year in order that an Owners Corporation is shown to meet its obligations.

Motion 20.	Annual Fire Safety Statement	Ordinary Resolution

a) 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) THAT 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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: In accordance with Schedule 1, Part 2, Clause 6 (c) of the Strata Schemes Management Act 2015, the Owners Corporation must now consider, at each Annual General Meeting, the annual fire safety statement (if one is required for the building) under the Environmental Planning and Assessment Act 1979 and arrangements for obtaining the next annual fire safety statement.

Motion 21.	Appointment of Managing Agent - Strata Title Management	Ordinary Resolution

THAT in accordance with Section 49 of the Strata Schemes Management Act 2015 ("Act") that:
(a) Strata Title Management Group Pty Ltd trading as Strata Title Management ("Agent") be appointed as strata managing agent of Strata Scheme No 50785;
(b) The Owners Corporation delegate to the Agent all of its functions (other than those listed in section 52 (2) of the Act) and all of the functions of its Chairperson, Secretary, Treasurer and Strata Committee;
(c) The Owners Corporation execute the written agreement, ("Agreement") circulated with this agenda, to give effect to this appointment and delegation and that the Secretary and one other Strata Committee Member be authorised to sign the agreement on behalf of the Owners Corporation under common seal in accordance with Section 273 of the Strata Schemes Management Act 2015;
(d) The delegation is subject to the conditions and limitations set out in the Agreement; and
(e) That upon execution on the Agreement, the Owners Corporation and the Agent mutually agrees that this Agreement supersedes and cancels all previous delegations and Agency Agreements between the Owners Corporation and the Agent.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: Due to the major strata law reforms (effective from 30 November 2016) which impose new legislative requirements and additional obligations on all Owners Corporations in NSW, Strata Community Australia (SCA), our leading industry body in NSW, has released a new version of their recommended Strata Management Agency Agreement. Furthermore, under the transitional provisions contained within the new Act, agency agreements that have not been renewed for a term extending beyond 31/05/2017 will automatically expire. In order to address this anomaly and the provisions of the new Act, it is proposed that your Owners Corporation enter into a new agency agreement with our office to enable seamless continuation of our management services to your Owners Corporation. The terms and conditions of the new agreement are largely the same as those currently in place – Refer to copy of agreement attached.

Motion 22.	Building Defects	Ordinary Resolution

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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: Until the end of warranty periods for applicable statutory warranties under the Home Building Act 1989 for buildings of the strata scheme, the Owners Corporation must now consider an item in relation to building defects and rectification.

Motion 23.	Internal Courtyard Repaving	Special Resolution

THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the Strata Schemes Management Act 2015 THAT that works be undertaken to replace the existing original internal courtyard pavers with grey coloured pavers without contrasting borders.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes:
Continuing with our extensive rejuvenation of common property, it is proposed to remove the tired original paving of the internal courtyard, undertake associated waterproofing works, and update the tiling to the new grey color scheme using tiles similar if not identical to the Resort Area, and doing away with the present border tiles. The cost of $260,000 is additional to the CWF budget and is to be funded entirely from existing CWF balances. This motion seeks agreement from the owners for the internal courtyard works to proceed as soon as possible, and will require passing by Special Resolution: No more than 25% of owners may vote against for this motion to be carried. The Strata Committee recommends that this motion be approved.

Motion 24.	Gerrale Street entry repaving	Special Resolution

Dependent on the above motion passing, the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the Strata Schemes Management Act 2015 THAT that works be undertaken to replace the existing original Gerrale Street entry pavers with the same grey coloured pavers without contrasting borders.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: Continuing with our extensive rejuvenation of common property, it is proposed to remove the tired original paving of the Gerrale Street lowrise entry, undertake any associated waterproofing works, and update the tiling to the new grey color scheme using tiles similar if not identical to the Resort Area, and doing away with the present border tiles. Sufficient grey tiles will be purchased at the same time to allow for the future repaving of the Tower podium after a final decision on that area is made at the next General Meeting. The cost of $120,000 is additional to the CWF budget and is to be funded entirely from existing CWF balances. This motion seeks agreement from the owners for these works to proceed after the inner courtyard works, and will require passing by Special Resolution: No more than 25% of owners may vote against for this motion to be carried. The Strata Committee recommends that this motion be approved.

Motion 25.	Lowrise interior retiling	Special Resolution

THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the Strata Schemes Management Act 2015 THAT the existing original lowrise interior terracotta tiling be replaced with grey tiles as per displayed sample.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: Continuing with our extensive rejuvenation of common property, it is proposed to update the lowrise interior tiling to the new grey color scheme. The cost of $48,000 is additional to the CWF budget and is to be funded entirely from existing CWF balances. This motion seeks agreement from the owners for the works to proceed immediately, and will require passing by Special Resolution: No more than 25% of owners may vote against for this motion to be carried. The Strata Committee recommends that the motion be approved.

Motion 26.	Lot 24 (Unit B17) Major Renovations	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 130 – Lot 24 (Unit B17) Major Work, permitting the specified work to be undertaken in Residential Lot 24 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.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: This By-law has been consented to by the Owner of Lot 24 to cover proposed Major Work on that Lot, and details the terms and conditions under which that Major Work is approved. This motion will require passing by Special Resolution: No more than 25% of owners may vote against for this motion to be carried. The Strata Committee recommends that the motion be approved.

Motion 27.	Amendment of Special By-Law 127 - Requirements for Commercial Lots	Special Resolution

THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the Strata Schemes Management Act 2015 to AMEND Special By-Law 127 – Requirements for Commercial Lots, by the addition of the following clause permitting the waiver of the quarterly licence fees under certain circumstances and that notification of the by-law be lodged for registration at the Registrar-General's Office:

127.6(i) We may decide in our absolute discretion to waive the licence fee for any quarter or defer its payment without interest. In doing so, we may consider any relevant matter including unforeseeable events like catastrophic natural disaster or epidemic.

☐ YES ☐ NO ☐ ABSTAIN

Explanatory Notes: This By-law amendment has been consented to by all seven Commercial Lot owners. In recognition of the community-wide financial impact of the COVID-19 pandemic, the Strata Committee agreed to waive the commercial licence fees for several quarters, and we have had to wait until a General Meeting to update the relevant By-law to permit this. This motion will require passing by Special Resolution: No more than 25% of owners may vote against for this motion to be carried. The Strata Committee recommends that the motion be approved.

Daniel Goodwin
STRATA TITLE MANAGEMENT

Dated: 15 September 2020

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