

THE OWNERS CORPORATION OF STRATA PLAN NO. 61139

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE OWNERS OF
STRATA PLAN NO. 61139 HELD ON WEDNESDAY 23RD SEPTEMBER, 2020 IN THE
GROUND FLOOR CARPARK, 9-15 CENTRAL AVENUE, MANLY AT 6.00PM.**

PRESENT: Mr D Mockler, Ms K Williams, Mrs S Stow, Mr F Martinez De Morentin, Mrs M Haynes, Ms A Nicholson, Mr R Stone, Mr D Chapman and Mr G Brown.

PRESENT VIA ZOOM: Mr J Greentree, Mr A & Mrs V Longfellow, Mr P Brown and Mrs Z Dybac.

PROXIES: Mr P Brown (Lot 46) in favour of Mrs L Brown (left the meeting at 715pm).
Mr D & Mrs F Glading (Lot 95) in favour of Mrs S Stow.
Mr P & Mrs Z Dybac (Lot 97) in favour of Mr R Stone.
Mr E & Mrs P Martinez de Morentin (Lot 111) in favour of Mr F Martinez De Morentin.

IN ATTENDANCE: Mr P Haynes, Mr T Strati (Building Manager) and Ms N Hopkins (Lamb & Walters).

CHAIRMAN: Mr G Brown.

As a quorum was not reached, the Chairman waited thirty (30) minutes then declared that persons present and who are entitled to vote on the below motions constitute a quorum for considering the motions.

1.CONFIRMATION OF MINUTES:

Resolved that the Minutes of the Annual General Meeting held on 10/9/19 be confirmed as a true and accurate record of that meeting.

2.CHAIRMAN'S REPORT:

The Chairman's Report was tabled.

It was agreed to deal with Motion 17 at this point.

17. COURTYARD LICENCE

FEES: Resolved that the correspondence from Mr P Brown on behalf of the Licencees in Strata Plan No. 61679 be tabled and that consideration be given to the waiving of the Licence Fees for the periods requested.

This matter was discussed at the Strata Committee Meeting held on 23/4/20 and resolved in the negative. SC position paper with amendments addressing the issues raised by the proposer tabled.

Mrs L Brown addressed the Meeting. Further discussion occurred.

Resolved not to approve the waiving of Licence Fees for the period requested.

3. KEY FINANCIAL INFORMATION:

Resolved that the audited statements of key financial information to 30/6/20 for the administrative fund, the capital works fund prepared by the Owners Corporation together with the relevant auditor's report be adopted.

4. LEVY CONTRIBUTIONS:

Resolved that:

- (a) in accordance with Section 79(2) and 81 of the Strata Schemes Management Act 2015 the Owners Corporation estimates that in respect of the period from 1/11/20 to 31/10/21 it will need to credit to its administrative and capital works funds for actual and expected expenditure referred to in those subsections the amounts set out in the budget that was attached to the notice of the meeting at which this resolution was passed; and
- (b) in accordance with Section 81 of the Act, the Owners Corporation determines that the following amounts are to be levied to raise the estimated contributions:

administrative fund, the sum of \$325,561.50

capital works fund, the sum of \$295,471.00
- (c) those amounts are to be paid by regular equal periodic instalments on 1/11/20, 1/2/21, 1/5/21 and 1/8/21.
- (d) the Treasurer is authorised to levy those contributions by written notice on

each person liable to pay them.

5. CAPITAL WORKS FUND

PLAN: Resolved that the Owners Corporation note the Capital Works Fund Plan (incorporating the Asset Register) has been prepared by the Building Manager.

6.AUDITOR: Resolved to appoint an external auditor for EFY 30/6/21.

7.LEVY COLLECTION: Resolved that The Owners - Strata Plan No. 61139 note should any owner, mortgagee in possession or former owner of a lot not pay contributions by their due date in relation to a lot that:

- (a) The Strata Manager may issue one or two reminder letters each requesting payment within 14 days of the reminder letter;
- (b) If the owner, mortgagee in possession or former owner has not made payment of any outstanding amount in accordance with any reminder letter sent by the Strata Manager, a debt collection agent or lawyer be instructed to:
 - (i) Prepare and issue to any relevant lot owner, mortgagee in possession or former lot owner a notice of proposed action to recover by way of proceedings in a court of competent jurisdiction on behalf of the owners corporation setting out:
 1. The amount of the contribution, interest or expenses sought to be recovered;
 2. The proposed recovery action by way of proceedings in a court of competent jurisdiction;
 3. The date the contribution was due to be paid;
 4. Whether a payment plan may be entered into in accordance with section 85(5) of the *Strata Schemes Management Act 2015*; and
 5. Any other action that may be taken to arrange for payment of the contribution;
- (c) A debt collection Agency or Lawyer be engaged and instructed to:
 - (i) Provide advice regarding recovering outstanding contributions;

- (ii) Commence, maintain, defend or discontinue court proceedings against any lot owner, mortgagee in possession or former lot owner where outstanding contributions are due in relation to the relevant lot;
- (iii) Take legal action to recover unpaid contributions, interest on unpaid contributions or related expenses by enforcing any judgment obtained including:
 - 1. Obtaining any necessary writ(s) for the levy of property; and
 - 2. Obtaining any necessary garnishee order(s).

8.ELECTION OF STRATA COMMITTEE:

Seven (7) nominations were received for election to the Strata Committee.

Resolved that seven (7) persons be elected to the Strata Committee.

Resolved that the following Owners be duly elected until the next Annual General Meeting:

Mr G Brown (self nominated)
Mr F Martinez De Morentin (self nominated)
Mr R Stone (self nominated)
Mr D Mockler (self nominated)
Mrs S Stow (self nominated)
Mrs M Haynes (self nominated)
Mr D Chapman (self nominated)

9.GENERAL MEETING MATTERS:

Resolved that a \$50,000 expenditure limit be placed on the Strata Committee.

10. BMC REPRESENTATIVES:

Resolved that the Chairman be elected as BMC Representative and one (1) of the other Office Bearers the Sub-Representative.

11.INSURANCES:

- (a) Resolved that the Owners Corporation insurances as listed in the Annexures to the Agenda of the meeting be confirmed and further that the Strata Committee be delegated the function of increasing, altering or adding insurances should it be resolved to include further insurances.
- (b) Resolved that no additional insurance to the ones already in place be obtained at this stage.

**12. COMMISSION
AND TRAINING**

SERVICES:

Resolved that report was received from the Strata Managing Agent on nil commissions and training services received in the past 12 months and estimate of nil commissions and training services to be received in the next 12 months.

13. RE-APPOINTMENT OF

STRATA MANAGER:

Resolved that the Owners – Strata Plan. 61139 having an existing agreement (prior agreement) with the Agent:

(a) the prior agreement is terminated as at the date of this meeting without prejudice to any accrued rights and obligations under the prior agreement.

(b) subject to some minor amendments, the agreement will replace the prior agreement and govern the relationship between the Owners Corporation and the Agent as from the date of termination of the prior agreement for one (1) year, expiring 23/9/21.

It was noted that the Insurer had been issued with a copy of the Agency Agreement highlighting Clause 6. Awaiting response from Insurer.

Two (2) members of the Strata Committee authorised to execute the agreement on behalf of the Owners Corporation.

14. ANNUAL FIRE SAFETY

STATEMENT:

Resolved that The Owners – Strata Plan No. 61139 consider the annual fire safety statement, make arrangements for obtaining the next annual fire safety statement and retain the services of Abate Pty Ltd.

15. UTILITY

AGREEMENTS:

The Owners - Strata Plan No. 61139 resolves by ordinary resolution to review and consider the following agreements for the supply of the utilities to the scheme attached to the notice of this meeting and tabled at the meeting:

Momentum Energy expires 01/09/23

16. BY-LAW 72:

i. That by special resolution the current By-law 72 be rescinded and replaced with the following By-law.

ii. **•New definition item (f) then move the remanding definitions back to accommodate:**

(f) "Heating Levy" the additional levy charged to a Lot Owner's levy account who has at any time installed a functioning female gas bayonet socket fitting for heating purposes.

*** New clauses to facilitate:**

New 2.1.1 A Lot Owner may install at the Lot Owner's cost one gas meter to service one female gas bayonet socket fitting situated within the living room area of the Lot and use same for the sole purpose of attaching a gas heating device which is specifically designed to operate without an external flue mechanism.

New 2.1.2 The gas meter and female gas bayonet socket fitting must be installed by a fully licensed plumber/ gas fitter who is legally entitled to and fully authorized by all necessary authorities and entities to attend to the installation. The installation must be approved and project managed by the Building Manager.

New 2.1.3 A Heating Levy shall be created and charged against the Lot Owners levy account by way of deposits, which will be adjusted as to usage cost each December, and be included in the levy notices due first of May and first of August each year. The final amount of the Heating Levy shall be determined annually by delegation to the Strata Committee. A Lot Owner who removes the installed female gas bayonet fitting can apply to have the Heating Levy cancelled on a pro rated calculation from the date of notification to and following a confirmation inspection by the Building Manager.

New 2.1.4 No female gas bayonet socket fitting can be installed or remain within a lot either internally or externally other than in compliance with clauses 2.1.1, 2.1.2, and 2.1.3. This clause will not apply to female gas socket fittings installed on balconies prior to the registration of the Strata Plan.

18. BUILDING

MANAGER:

Resolved that the Contract with the Building Manager, The Property Professionals Pty Ltd be extended to 30/9/21.

19. DELIVERY CONTRACTOR

ACCESS TO RESIDENTIAL

FLOORS:

The delivery contractor access to residential floors was discussed. It was agreed to monitor any issues that arise.

CLOSURE:

As there was no further business for discussion the Meeting closed at 7.50pm.

THE OWNERS CORPORATION STRATA PLAN NO 61139

MINUTES OF THE MEETING OF THE STRATA COMMITTEE OF THE OWNERS CORPORATION OF STRATA PLAN NO 61139 HELD ON WEDNESDAY 23RD SEPTEMBER, 2020 FOLLOWING THE ANNUAL GENERAL MEETING AT 7.50PM.

PRESENT: Mr G Brown, Mr R Stone, Mr D Mockler, Mrs M Stow, Mrs M Haynes, Mr F Martinez De Morentin and Mr D Chapman.

IN ATTENDANCE: Mr T Strati (Building Manager) and Ms N Hopkins (Lamb & Walters).

CHAIRMAN: Mr G Brown.

1.CONFIRMATION OF MINUTES:

Resolved that the Minutes of the previous Strata Committee Meeting held on 26/8/20 be confirmed as true and accurate record of that meeting.

2.ELECTION OF OFFICE BEARERS:

Resolved that:

Mr G Brown be re-elected as Chairman.
Mr F Martinez De Morentin be re-elected as Secretary.
Mr R Stone be re-elected as Treasurer.

3. GENERAL BUSINESS:

Defibrillator

It was agreed to purchase a defibrillator for the gym at an approximate cost of \$1900.00. Training will also be carried out.

NEXT MEETING: The next Strata Committee Meeting to be held on Tuesday 15th December, 2020.

CLOSURE: There being no further business the meeting was closed at 8.05pm.