

**MINUTES OF EXTRAORDINARY GENERAL MEETING
THE OWNERS – STRATA PLAN NO. 61139**

**ADDRESS OF THE STRATA SCHEME: 'PACIFIC WAVES' 9-15 CENTRAL AVENUE,
MANLY NSW 2095**

**MINUTES OF BUSINESS DEALT WITH AT THE EXTRAORDINARY GENERAL MEETING OF THE
OWNERS STRATA PLAN NO. 61139 HELD ON MONDAY 11TH OCTOBER, 2021 VIA
PRE-MEETING ELECTRONIC VOTING PAPER AT 10.00AM.**

Voting Papers Received

Mr V & Mrs S Parker (Lots 9, 12 & 52), Mr R & Mrs S Davison (Lot 18), Mr R Goff (Lots 28 & 88), Ms J Gunn (Lot 56), Mr G Kennedy (Lot 60), Mr D Glading (Lot 95), Mr F M de Morentin (Lot 96), Mr P & Mrs Z Dybac (Lot 97), Mr G Miles (Lot 98), Mrs M Haynes (Lot 103), Mr J & Mrs J Suri (Lot 106), Mr R Stone (Lot 112) and Mr G Brown (Lot 122).

Proxies

Mr D Mockler (Lot 17) in favour of Mr G Brown.

Chairperson

Ms N Hopkins of Lamb & Walters.

1. Minutes

Resolved that the Minutes of the Extraordinary General Meeting held on 12/1/21 be confirmed as a true and accurate record of that meeting.

2. Special By-law 81 – Renovations Lot 106, Unit 608

Specially resolved to make an additional By-law in the terms as per the attached Special By-law 81.

Close

As there was no further business the Meeting closed at 10.20am.

Explanatory Note to By-law Motion:

This by-law motion has been proposed by the owner of lot 106 in Strata Plan No. 61139 to authorise the specified works which will impact upon common property and involve waterproofing subject to the terms and conditions of the by-law. The by-law motion grants to the Owner the special privilege to carry out and retain their works and the right of exclusive use and enjoyment of the common property affected by the work. The by-law motion sets out the conditions under which the works must be undertaken and places on the lot owner the obligation to maintain the works and the common property affected by the works and indemnifies the owners corporation against any loss or damage, cost, charge or expense incurred or sustained by the owners corporation as a result of or arising out of the works.

This motion must be passed by special resolution. A special resolution is a resolution passed at a general meeting of the owners corporation where no more than 25% of the value of votes cast are against the motion. The value of a vote in respect of a lot is equal to the unit entitlement of the lot. This special by-law also requires the written consent of the Owner.

The Owners - Strata Plan No. 61139 - Motion for Adoption of By-law Authorising Building Works (Special Resolution)

That The Owners – Strata Plan No. 61139 SPECIALLY RESOLVES pursuant to sections 141 to 143 of the *Strata Schemes Management Act 2015* to make an additional by-law in the following terms:

Special By-Law 81 – Authorisation of Building Works in Lot 106

1. Grant of Special Privilege and Exclusive Use Right

On the conditions set out in this by-law the owner for the time being (referred to in this by-law as the “**Owner**”) of Lot 106 (the “**Lot**”) shall have a special privilege in respect of the common property to carry out building works to refurbish the Lot and to keep such building works and a right of exclusive use and enjoyment of that part of the common property affected by the building and refurbishment works incorporating:

- (a) Works to the bathrooms (main bathroom and ensuite) in the Lot including:
 - (i) removal of existing wall tiles, floor tiles, waterproofing, and fixtures and fittings including shower, shower screen, bathtub (in ensuite only), toilet, vanity, basin, tapware and mixers;
 - (ii) re-sheet both bathrooms with Villaboard;
 - (iii) screed level floors with sand and cement;
 - (iv) installation of new wall tiles (to ceiling height), floor tiles, waterproofing, underfloor heating, architraves (where required), and fixtures and fittings including shower (including inset wall niche for shower), shower screen, bathtub (in ensuite only), toilet, vanity, basin, tapware, mixers, mirrored shaving cabinet and heated towel rails;
 - (v) installation of new door between main bathroom and laundry and replacement of laundry sink and tapware;
 - (vi) installation of LED strip in the ceiling, including all associated wiring and electrical works;
 - (vii) connection to existing water, waste and electrical services, including preparation and connection of plumbing for bath mixer and spout X1 (ensuite only), bath x1 (ensuite only), a back to wall toilet x2 (ensuite and main bathroom), shower head, hand held shower and mixer x2 (ensuite and main bathroom), a basin mixer and spout x2 (ensuite and main bathroom), a single vanity x2 (ensuite and main bathroom).

- (b) Works to the kitchen in the Lot including:
- (i) removal of all existing cabinets, cupboards and appliances, stone top and splashback;
 - (ii) installation of new cabinets and appliances, stone top and splashback; and
 - (iii) connection to existing water, waste and electrical services for ice making fridge, oven, microwave and gas cooktop.

2. Definitions

For the purposes of this by-law:

"**Council**" means Northern Beaches Council and any successor;

"**Utility Services**" means any service associated with plumbing, electrical, gas or telecommunications services (including cable television) which are effectively as reconfigured following the passage of this by-law;

"**Works**" means and includes all of the building works described in clause 1 and all works incidental thereto.

Where any word or phrase has a defined meaning in or for the purposes of the *Strata Schemes Management Act 2015*, that word or phrase has the same meaning in this by-law.

3. Conditions

3.1 Prior to Undertaking Works

Prior to undertaking the Works the Owner must obtain and provide to the Owners Corporation:

- (a) any required approval of Council for the performance of the Works; and
- (b) a certificate of currency of the insurance policy or policies of the contractor carrying out the Works which is effected with a reputable insurance company reasonably satisfactory to the Owners Corporation for:
 - i. contractor's all risk insurance incorporating public liability insurance in an amount of not less than \$10,000,000;
 - ii. any insurance required in respect of the Works under section 92 of the *Home Building Act 1989*; and
 - iii. workers' compensation in accordance with applicable legislation.

3.2 Performance of Works

In carrying out the Works, the Owner (including any contractor involved in the performance of the Works on behalf of the Owner) must:

- (a) ensure that the Works are carried out in a good and workmanlike manner by licensed contractors in compliance with relevant provisions of the Building Code of Australia and relevant Australian Standards and in such a way as to

minimise disruption or inconvenience to any owner or occupier of any other lot in the strata scheme;

- (b) carry out the Works substantially in accordance with the description in clause 1 and, if Council approval was required, as approved by Council;
- (c) not materially amend or vary the Works without the approval in writing of the Owners Corporation and, if required, Council;
- (d) take reasonable precautions to protect all areas of the building outside the Lot from damage by the Works;
- (e) transport all construction materials, equipment, debris and other material associated with the Works over common property in the manner reasonably directed by the Owners Corporation;
- (f) keep all areas of the building outside the Lot clean and tidy throughout the performance of the Works;
- (g) ensure that, so far as is reasonably practicable, the Works are performed wholly within the Lot;
- (h) remove all debris from the building resulting from the Works as soon as practicable and in accordance with the reasonable directions of the Owners Corporation;
- (i) only perform the Works at the times approved by the Owners Corporation (acting reasonably);
- (j) ensure that the Works do not interfere with or damage the common property, the property of any other lot owner or any Utility Service otherwise than as approved in this by-law;
- (k) make good any damage caused by the Owner in the performance of the Works within a reasonable period after that damage occurs;
- (l) subject to any extension of time required by reason of any supervening event or circumstance beyond the reasonable control of the Owner, complete the Works within one month of their commencement.

3.3 Completion of Works

- (a) The Owner must advise the Owners Corporation when the Works are complete; and
- (b) If the approval of Council is required to carry out the Works, on completion of the Works the Owner must provide to the Owners Corporation the certificate required by the Council that the Works comply with the conditions of any Council approval.

4. Liability and Indemnity

- (a) The Owner is liable for any damage caused to any part of the common property, not included in clause 1 of this by-law, as a result of the performance of the

Works and must take all such steps as are necessary to make good that damage within a reasonable time after it has occurred.

- (b) The Owner must indemnify the Owners Corporation against any loss or damage, cost, charge or expense incurred or sustained by the Owners Corporation as a result of or arising out of the Works or the performance thereof, including without limitation any liability under section 122(6) of the *Strata Schemes Management Act 2015* in respect of any property of the Owner.

5. Other Rights and Obligations

The Owner must, at their own cost, maintain the alterations and additions installed in the course of the Works and the common property affected by the Works (including but not limited to the fixtures and fittings installed as part of the Works) in a state of good and serviceable repair and must renew or replace them whenever necessary.

6. Costs

- (a) The Works must be undertaken at the cost of the Owner.
- (b) The Owner must pay the reasonable costs of the Owners Corporation in preparing, making, registering, implementing and enforcing this by-law.

7. Right to Remedy Default

If the Owner fails to comply with any obligation under this by-law and fails to rectify that breach within 14 days (or such other period as may be specified in the notice) of service of a written notice from the Owners Corporation requiring rectification of that breach , then the Owners Corporation may:

- (a) carry out all work necessary to perform that obligation;
- (b) enter upon any part of the Lot to carry out that work;
- (c) recover the costs of carrying out that work from the Owner and the expenses incurred by the Owners Corporation in recovering those costs including legal costs on an indemnity basis;

and the Owner shall indemnify the Owners Corporation against any legal action or liability flowing from the action of the Owners Corporation pursuant to this clause.

SCOPE OF WORKS TO BATHROOMS 608/9-15 CENTRAL AVENUE, MANLY, NSW 2095

(Lot No: 106, Strata Plan No: 61139)

- We do not intend to relocate any drainage/plumbing. We intend to maintain the current layout of the bathrooms and just replace the pc items.

Greg Hover of Hover Co Australia Pty Ltd is the accredited builder appointed (member of the Master Builders Association) and the proposed works specified are:

- Remove all fixtures & fittings in the bathrooms
- Prepare and connect plumbing for a bath mixer and spout X1
- Prepare and connect plumbing for the bath x1
- Prepare and connect plumbing for a back to wall toilet x2
- Prepare and connect plumbing for shower head and mixer x2
- Prepare and connect plumbing for a basin mixer x2
- Prepare and connect plumbing for a single vanity x2
- Supply and install new architraves where required
- Re-sheet bathroom with Villaboard

WATERPROOFING

- Apply 3x coats of waterproofing membrane to floor and wet areas - Waterproof 3 coats of Polyurethane waterproofing
- Waterproofing certificate supplied to client

TILING

- Screed level floors with sand and cement X2 bathrooms
- Install approx. 12m² of new floor tiles in bathrooms
- Install approx. 45m² of new wall tiles to ceiling height in bathrooms

SHOWER SCREEN

- Supply and install 10mm frame-less shower screen installed as per current footprint in diamond pattern

PAINTING

- Ceiling to be painted
- New architraves to be painted
- Doors to be painted
- Walls to be painted