

**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 THE EXTRAORDINARY GENERAL MEETING OF THE OWNERS STRATA
PLAN NO. 61139 HELD ON TUESDAY 12TH JANUARY, 2021 IN THE GROUND FLOOR
CARPARK, 9-15 CENTRAL AVENUE, MANLY AT 10.00AM.**

PRESENT: Mr G Brown, Ms K Williams, Mr D Chapman, Mr R Stone,
Mr F Martinez de Morentin, Mrs S Stow, Mr D Mockler,
Mrs L Wareham and Mr O Isaacs.

PROXIES: Mr J Stanley (Lot 8) in favour of Mr R Stone.
Mr P Luffman (Lot 34) in favour of Mr R Stone.
Mr S Mermez (Lot 51) in favour of Mr R Stone.
Mr A & Mrs D Westacott (Lots 55, 78 & 120) in favour of Mr D Mockler.
Ms J Gunn (Lot 56) in favour of Mr R Stone.
Ms J Robertson (Lot 58) in favour of Mrs S Stow.
Mr D Wilson & Ms S Hunston (Lot 89) in favour of Mrs S Stow.
Mr P & Mrs Z Dybac (Lot 97) in favour of Mr F Martinez de Morentin.
Ms S Filewood (Lot 117) in favour of Mr D Chapman.

IN

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

CHAIRMAN: Mr G Brown.

Quorum

As a quorum was not reached after 30minutes, the Chairman declared that persons present personally and by proxy and who are entitled to vote on the below motions constitute a quorum for considering the motions.

1.MINUTES: Resolved that by ordinary resolution the Minutes of the Annual General Meeting held on 23/9/20 be confirmed as a true and accurate record of that meeting.

2. CHANGE OF

PET BY-LAW: i. Specially resolved to rescind By-law 32:

“An owner or occupier of a lot must not keep any animal on the lot or the common property.”

ii. Specially resolved that the following By-law be adopted:

Explanation:

This bylaw has been developed to meet the needs of residents/occupiers who wish to accommodate pets within their lots and the responsibility of the Owners Corporation to ensure that the enjoyment of amenity, the safety and health (including avoiding exposure to allergies) of all residents including disabled persons and children of all ages continues uninterrupted at all times.

1.1 Subject to section 139(5) of the *Strata Schemes Management Act 2015 (NSW)* (“**ACT**”) as amended from time to time an owner or occupier of a lot must not, without the prior written approval of the owners corporation, keep or bring an animal (except for a small caged bird or fish kept in a secure aquarium) onto their lot or the common property. The owners corporation shall not unreasonably withhold its approval for keeping an animal on a lot or traversing common property and will provide the owner or occupier with written reasons for any refusal to grant approval.

One animal is permitted to reside within any one lot, having first been approved and registered by the Building Manager. Applications for additional animals will be reviewed by the strata committee on a case by case basis.

1.2 All owners or occupiers wishing to keep or bring an animal onto their lot must before-hand complete an application form and receive approval from the Building Manager. Annually commencing 1st May 2022 all animal owners shall declare in writing that the information supplied supporting the original application remains unaltered other than to age. Material change(s) shall cause a reassessment of the approval and registration of the animal.

1.3 A resident or occupier who is not the owner of the lot in which they reside must, as part of an application, provide written consent from their lot owner to have the animal in the owner’s lot and notify the Building Manager if at any time that consent is withdrawn, in which case the animal must be removed.

1.4 No animal or pets shall be allowed on the premises including common areas unless they have first been approved and registered with the Building Manager.

- 1.5 All dogs, cats and other animal species requiring any type of government agency approval must be registered with the appropriate government agency, fitted with a microchip where possible and evidence of compliance and microchip number supplied with the application form.
- 1.6 All animals brought onto the common areas must be easily identified by microchip insertion or a name tag affixed to an attached collar.
- 1.7 Residents/occupiers or lot owners shall not allow any person to bring any animal or pet onto the premises that has not been approved and registered by the Building Manager. (For the protection and safety of residents and invitees including disabled people and children).
- 1.8 Animals and pets are permitted to use common areas for the purpose of transiting only and shall not be allowed to exercise, play, urinate or defecate on common property.
- 1.9 The animal owner must take such action as necessary to ensure that the animal does not urinate or defecate on common property or any other lot. In the event that the animal does urinate or defecate on common property or any lot, the owner must take action to promptly clean all areas of the lot and common property that are soiled by the animal, including by making use of, where applicable, a soiling bag, which must properly and hygienically be disposed of in the common property garbage receptacles secured in a sealed plastic or other impermeable wrapping and in such a manner that no offensive odours escape or which might attract vermin or other pests. Failure to comply will see the provisions of General Restrictions 3.6 apply.

2 Specific Restrictions:

- 2.1.1 Following are specific approval requirements which will apply to various types of animal or pet categories:
- 2.1.2 Dogs, other than any dog which falls within any recognised list (as determined by the current Strata Committee) of dangerous dog breeds, are permitted.
- 2.1.3 Registered companion animals are permitted and shall be subject to the requirements of the *Companion Animal Act 1998 (NSW)* as amended from time to time, the terms of which shall take preference to any restrictions contained in this bylaw.
- 2.1.4 An owner or occupier of a lot who keeps an assistance animal on the lot must, on request by the owners corporation, provide evidence to the owners corporation demonstrating that the animal is an assistance animal as referred to in *section 9 of the Disability Discrimination Act 1992 of the Commonwealth*.
- 2.2 The following restrictions shall apply to ensure that the elements addressed in “*Explanation*” preamble are maintained to ensure the continued enjoyment of the premises apply to all residents as a community.

2.2.1 **Dogs :**

- 2.2.2 Are not permitted on common property unless properly leashed and under the direct control of a person of 18 years or older.
- 2.2.3 Are permitted in lifts, unless another occupant of the lift requests that the dog be removed,
- 2.2.4 Are permitted in lifts if carried by the registered owner or authorised person, or, alternatively standing if fitted with a controlling leash and in addition an appropriate muzzle. If it is standing and has no appropriate muzzle fitted the owner must wait to travel in a lift alone.
- 2.2.5 Cannot be left unattended on balconies, terraces or courtyards and it is the owner's responsibility to ensure that the dog does not bark anywhere in the resident's lot so as to generate a complaint from other residents.

2.3 **Cats:**

- 2.3.1 Must be contained within the resident's lot at all times other than for transporting across common property and must not be allowed to climb onto another resident's balcony, terrace or courtyard.

2.4 **Birds:**

- 2.4.1 Shall not be allowed on balconies if the animal attracts wild birds to any balcony, terrace or courtyard in the premises.

2.5 **Rabbits/Guinea Pigs/ Reptiles:**

- 2.5.1 Must be contained within the lot.

3 General Restrictions:

- 3.1 Any hutch, tank or housing stored on a balcony must not be visible from outside the lot and must be kept clean and tidy so as not to create a nuisance to neighbours or attract vermin.
- 3.2 No animal waste can be disposed of using toilets within a lot or common areas.
- 3.3 No animal is permitted to enter the pool area or gym area.
- 3.4 All animals must be managed by and be under the control of the registered owner or authorised person whilst on common property.
- 3.5 Any animal which causes an adverse medical allergic reaction to any resident must be permanently removed from the premises unless the source of the allergic reaction is completely eliminated.
- 3.6 Any area of common property which has been fouled or dirtied by any animal shall be professionally cleaned and the cost thereof shall be borne by the animal's registered owner, lot owner or occupier.

4 Indemnity:

- 4.1 The owner of a lot in respect of which the owner or occupier has been permitted to keep, or bring, an animal, including an assistance animal, is liable for:
- 4.1.1 Any damage caused by the animal to any part of the common property or the property of any other lot owner, occupier or invitee;
 - 4.1.2 Any injury caused by the animal to any other lot owner, occupier or invitee whilst on a lot or common property;
 - 4.1.3 The cost of cleaning their animal's faeces or other animal waste from the common property, or the property of any other lot owner, occupier or invitee;

5 Compliance with rules:

- 5.1 In the event of a complaint being made against the lot owner the strata committee shall ask the registered owner of the animal for a written response to the complaint. If the Strata Committee determines that the complaint is sustained then upon written request the registered owners shall have 7 days to provide a written animal or pet management proposal for consideration by the strata committee. In the event that the Strata Committee refuses to accept the management proposal as being satisfactory the animal or pet must be permanently removed within 7 days of the strata committee providing written advice to the lot owner and/or registered pet owner.
- 5.2 In the event that the complaint relates to a health or safety risk to residents the strata committee by email vote may determine that the animal or pet shall be removed within 7 days and stay removed pending a proper investigation in accordance with 5.1 above.

CLOSE: As there was no further business the meeting closed at 10.31am.