

**bright & duggan**



australia's strata leader

## Minutes of

# Annual General Meeting

To The Owners of – Plan No. 76171

11-13 OAKS AVENUE, DEE WHY, NSW, 2099



**Meeting Date:**

15 November 2023

**Time:**

05:00 PM

**Address:**

Please click the link below to join the Microsoft teams meeting

[https://teams.microsoft.com/L/meetup-join/19%3ameeting\\_MmYyNzJkMTktMmNkNSooMzU2LWlyOGltZjAyYjM5YjZlZkZk%40thread.v2/o?context=%7b%22Tid%22%3a%22ee41b01-d42a-4861-b5f6-6b2699170934%22%2c%22Oid%22%3a%226439376b-4146-4d18-8918-3773332d4045%22%7d](https://teams.microsoft.com/L/meetup-join/19%3ameeting_MmYyNzJkMTktMmNkNSooMzU2LWlyOGltZjAyYjM5YjZlZkZk%40thread.v2/o?context=%7b%22Tid%22%3a%22ee41b01-d42a-4861-b5f6-6b2699170934%22%2c%22Oid%22%3a%226439376b-4146-4d18-8918-3773332d4045%22%7d)

Meeting ID: 448 943 818 430

Passcode: m4H9Ft

**Present:**

Dragica Prica (non-financial) (Lot 8) Owner present  
Ms R Wilson (non-financial) (Lot 14) Owner present  
Mr B Johnco (Lot 16) Proxy present  
Ruth Clayton (Lot 17) Proxy present  
Freddie Moh & Rena Moh (Lot 18) Owner present  
Desmond Ivor Brian Siepen (Lot 20) Proxy present  
Catherine-Thuynhi Nguyen (Lot 25) Owner present  
Alexander John Holzer & Wan Loong Chan (Lot 27) Owner present  
Ms V Tulk (Lot 29) Owner present  
Katarzyna & Benjamin Czambol (Lot 30) Owner present  
Mr N Jeffreys (Lot 33) Owner present  
Alison Joy Kopp (Lot 37) Owner present

**By proxy:**

Mr B Johnco (Lot 16) to Cathy Liang  
Ms R Clayton (Lot 17) to Alexander John Holzer & Wan Loong Chan

Desmond Ivor Brian Siepen (Lot 20) to Freddie Moh & Rena Moh

In attendance:

Cathy Liang Bright & Duggan

Chairperson:

Cathy Liang

Apologies:

Quorum:

Yes, 25% or more of lot owners in attendance

## Motions

### 1. Minutes

#### **RESOLVED**

Resolved that the owners corporation resolves to confirm the minutes of the last general meeting, held on 29th of June 2023, as a true and accurate record of the proceedings of that meeting.

### 2. Financial Statements

#### **RESOLVED**

Resolved that the owners corporation resolves to adopt the unaudited statements of key financial information, for the financial year ending on 30th of September 2023, for the administrative fund, the capital works fund and any other fund held by the strata scheme.

### 3. Financial Audit

#### **RESOLVED**

Resolved that the owners corporation resolves to audit the financial statements for the financial year ending on 30th of September 2024.

### 4. Administrative & Capital Works Funds Estimates

#### **RESOLVED**

Resolved that the owners corporation estimates that, for the financial year period from 1st of October 2023 to 30th of September 2024, it will need to credit to its administrative fund and capital works fund the amounts set out in the budget, and resolves that the following amounts to be levied as a contribution:

Administrative Fund: \$208,000.00 GST Inclusive

Capital Works Fund: \$55,474.00 GST Inclusive

## 5. Levy Contributions

### RESOLVED

Resolved that the owners corporation resolves that the contributions are to be payable in regular periodic instalments, due on and specified as follows, and continue on the same periodic instalments, based on the interim quarterly period and contributions, in accordance with the same budget and estimates approved at this meeting, until the next annual general meeting:

Levy Status	Period From	Period To	Due	Admin Fund	Capital Works Fund
Already Issued	1/10/2023	31/12/2023	1/10/2023	\$37,206.78	\$13,183.01
To be Issued	1/01/2024	31/03/2024	1/01/2024	\$56,931.07	\$14,096.99
To be Issued	1/04/2024	30/06/2024	1/04/2024	\$56,931.07	\$14,097.00
To be Issued	1/07/2024	30/09/2024	1/07/2024	\$56,931.08	\$14,097.00
<b>Total</b>	1/10/2023	30/09/2024		<b>\$208,000.00</b>	<b>\$55,474.00</b>

### Interim Periods

Levy Status	Period From	Period To	Due	Admin Fund	Capital Works Fund
To be Issued	1/10/2024	31/12/2024	1/10/2024	\$54,500.00	\$13,868.50
To be Issued	1/01/2025	31/03/2025	1/01/2025	\$44,500.00	\$13,868.50
<b>Total</b>	1/10/2024	31/03/2025		<b>\$99,000.00</b>	<b>\$27,737.00</b>

## 6. Special Levy Contribution [Section 81(4)]

### DEFEATED

Defeated that the owners corporation determine a contribution to the administrative fund/capital works fund in accordance with Section 81 (4) of the Strata Schemes Management Act 2015 (NSW) for make up the deficit of the admin fund in last financial year in the amount of \$40,000.00 (GST inclusive) and that they it be due and payable in advance on:

1st of January 2023;  
1st of April 2024;  
1st of July 2024; and  
1st of October 2024;

## 7. Loan Repayment

### RESOLVED

The Owners Corporation RESOLVES **to rescind the motion 3 that was approved at EGM held on 17<sup>th</sup> March 2023** and raise a Loan Repayment Levy contribution pursuant to Section 81(4) of the SSMA in the total amount of \$416,018.34 (inc GST) payable on the dates in the following schedule:

Date Payable	Amount Payable( inc GST)
1st Jan 2024	\$ 105,099.92
1st Apr 2024	\$ 103,639.47
1st Jul 2024	\$ 103,639.47
1st Oct 2024	\$ 103,639.47

## 8. Levy Collection

### RESOLVED

Resolved that the Owners Corporation, in accordance with the provisions of the Strata Schemes Management Act 2015 (NSW), including Section 103, resolves, for the purpose of collecting levy contributions, to authorise the Managing Agent and/or the Strata Committee to do any one or more of the following:

1. 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;
2. 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 Corporation;
3. 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/expenses;
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.

## 9. Payment Plans

### RESOLVED

Resolved that the owners corporation resolves to agree to enter into payment plans for matters involving arrears of unpaid contributions or other amounts, including interest, legal and other costs/expenses thereon, and delegates to the managing agent and/or strata committee authority to enter into, arrange and monitor each such payment plan, limited to a period of 12 months per plan, with any further or subsequent payment plan to be entered into as agreed by the owners corporation or strata committee by resolution.

#### 10. Insurance - Certificate of Currency

##### **RESOLVED**

Resolved that the current insurances of the owners corporation, as detailed in the certificate of currency, attached to the notice of this meeting, expiring on 14/11/23, be confirmed.

#### 11. Insurance - Valuation

##### **RESOLVED**

Resolved that the owners corporation resolves to carry out a building valuation for insurance purposes, noting the previous valuation from NSW Strata Valuation Services was prepared on 19th of March 2020, and delegates to the managing agent authority to adjust the sum insured in accordance with a new valuation.

#### 12. Insurance Renewal

##### **RESOLVED And owners require more than 3 quotes in next renewal**

Resolved that the Owners Corporation resolves to make arrangements in respect of insurances:

1. In accordance with section 165, delegate to the Strata Committee to consider whether to vary or extend any insurances;
2. In accordance with section 166, not less than 3 quotations for insurance renewal be obtained, unless written reasoning is presented to the Owners Corporation as to why less than 3 quotations were provided; and
3. Delegate to the Managing Agent any functions pursuant to the Strata Management Agency Agreement (additional services schedule where applicable) to undertake any of the above.

#### 13. Acknowledgement Motion - Commissions

##### **RESOLVED**

Resolved that the owners corporation acknowledges:

1. in accordance with Section 60, the statement for commissions and training services provided to or paid for the agent in connection with the exercise by the agent of functions for the strata scheme:

##### Commissions

\$ 6122.33 in commissions received in the last 12 months; and

\$ 4160.80 in commissions is expected to be received in the next 12 months.

##### Training

\$ 0.00 in training services received in the last 12 months; and

\$ 0.00 in training services is expected to be received in the next 12 months.

#### 14. Annual Fire Safety Statement - Next Statement Arrangements

##### **RESOLVED**

Resolved that the owners corporation resolves to:



1. engage a suitably competent fire safety practitioner to assess each essential fire safety measure specified in the statement and submit a corrective actions report;
2. delegate to the strata committee to determine and resolve the corrective actions (if any), engage a suitably qualified contractor to complete any works and to prepare and sign the statement;
3. lodge the statement with the local Council and Fire Commissioner;
4. delegate to the strata committee authority to instruct the managing agent any functions, pursuant to the strata management agency agreement (additional services schedule where applicable), to undertake any of the above; and
5. instruct the managing agent, acting in the capacity as agent for the owners corporation, to sign the annual fire safety statement, based on certification provided by a competent fire safety practitioner engaged by the owners corporation.

## 15. Fire Damper

### RESOLVED

The Owners of Strata Plan 76171 confirming the request for the reissue of a fire safety schedule for the building pursuant to clause 80A 1 (1) of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (The Regulation)*.

And to get a report from a registered certifier - building surveyor (unrestricted or all classes of buildings) accredited under the NSW Fair Trading outlining why the measures should be removed for the schedule for this type of building.

## 16. Capital Works Fund Plan - Review

### DEFEATED

Defeated that the owners corporation resolves to delegate to the strata committee to review the existing 10-year capital works fund plan, prepared by NSW Strata Valuation Services, dated 26th of March 2021, and implement it as part of the approved budget for the financial year ending on 30th of September 2024.

## 17. Election of the Strata Committee

### RESOLVED

That the owners corporation resolves to elect the strata committee as follows:

1. the chairperson is to announce the names of candidates nominated in writing and eligible for election to the strata committee;
2. the chairperson is to call for any oral nominations of candidates eligible for election to the strata committee; and
3. the owners corporation is to determine the number of strata committee members and elect the members.

## Election of Ordinary Member

Ruth Clayton, Alexander Holzer, Alison Kopp, Freddie Moh have been elected to the committee.



Name	Nominated By
Ruth Clayton	Self-Nominated
Alexander Holzer	Self-Nominated
Alison Kopp	Self-Nominated
Freddie Moh	Self-Nominated

## 18. Restricted Matters

### RESOLVED

Resolved that the Owners Corporation, in accordance with Section 36, determines that no additional matter or type of matter is to be determined only by way of a General Meeting of the Owners Corporation.

## 19. Voting Methods

### RESOLVED

Resolved that the owners corporation resolves to adopt other voting methods by means of tele-conference, video-conference, email, pre-meeting voting or other means, while participating in a meeting from a remote location.

## 20. Plant Item Registration

### RESOLVED

Resolved that, as the owner of plant item(s), the owners corporation resolves to delegate to the managing agent the signing of any renewal registration or application form on behalf of the owners corporation and lodge with *SafeWork NSW* the Safe to Operate statement, based on certification provided by one of the below:

### Alternatives for Plant Item Registration

**'OPTION B' has been selected with the highest votes.**

#### (Option A)

Independent Consultant

A lift consultant, independent from the incumbent lift maintenance contractor, will be engaged to inspect the lifts and provide a statement confirming that the plant item has been inspected by a competent person and is being adequately maintained by the lift maintenance contractor.

#### (Option B)

Maintenance Contractor

The incumbent lift maintenance contractor will be engaged to provide a statement confirming that the plant item(s) has been inspected by a competent person and adequately maintained.

2 invalid vote(s) - 2x Non-financial

## 21. Utility Supply Agreements

**RESOLVED**

Resolved that the owners corporation resolves to consider any agreements for the supply of electricity, gas or any other utility relevant to the scheme, at the time of the agreement renewal, and delegates to the strata committee authority to:

1. engage a suitably qualified broker or consultant as may be reasonably required;
2. provide any utility bills and specific usage data for the purpose of obtaining competitive pricing;
3. enter into utility supply agreements on behalf of the owners corporation; and
4. instruct the managing agent any functions, pursuant to the strata management agency agreement (additional services schedule where applicable), to undertake any of the above.

## 22. Strata Hub

**RESOLVED**

Resolved that the owners corporation resolves to:

1. provide all mandatory information and documents relating to the Office of Fair Trading "Strata Hub";
2. pay \$3.00 per lot annual administration fee to the Office of Fair Trading (or such other amount as determined by the Regulation from time to time); and
3. instruct the managing agent any functions, pursuant to the strata management agency agreement (additional services schedule where applicable), to undertake any of the above.

## 23. Lot 33 Work

**Motion CARRIED.**

The Owners Corporation by **SPECIAL RESOLUTION** pursuant to –

(a) **Section 108 (2)** of the *Strata Schemes Management Act 2015* authorises the owner of Lot 33 on the scheme to add to and alter the common property within the scheme in accordance with the conditions in **Special By-law – Lot 33 Works** set out in the **Annexure to Change of By-law** appended to the agenda of the general meeting passing this by-law; and

(b) **Section 141 (1)** and **Section 143** of the *Strata Schemes Management Act 2015*, **adds Special By-law – Lot 33 Works** for the benefit of the Owner from time to time of Lot 33 as set out in the **Annexure to Change of By-law** appended to the agenda of the general meeting passing this by-law and RESOLVE that the Managing Agent be authorised to affix the common seal of the Owners Corporation in accordance with section 273 of the *Strata Schemes Management Act 2015* on the notification to change to the by-laws and organise lodgment in accordance with section 141 (2) of the *Strata Schemes Management Act 2015* at the Registrar-General's Office.

2 invalid vote(s) - 2x Non-financial

## 24. Unit 37 Balcony Work -Alteration to common property

**Motion CARRIED.**

That in accordance to Section 108 of the Strata Schemes Management Act 2015, the Owners Corporation SPECIALLY RESOLVE to Demolish and dispose of existing aluminium framed glass





balustrade in the common property and Supply and Install Reinforced Concrete Balustrade listed in the quote attached from Unicorn.

And RESOLVE to seek cost recovery from lot 37 as per special by-law 2 as a result of the enclosed balcony pursuant to that by-law.

2 invalid vote(s) - 2x Non-financial

## 25. Renewal of the Strata Management Agency Agreement

### **RESOLVED**

Resolved that the Owners Corporation resolves

1. To renew the Strata Management Agency Agreement with Bright & Duggan Pty Ltd as its Managing Agent, for a period of 12 months, and delegates functions to it on the terms and conditions as set out in the Agreement attached to the notice of this meeting; and
2. To nominate and authorise two (2) owners or members of the Strata Committee to execute and affix the common seal to the Agreement; and
3. That the strata management fee be \$7,700.70 per annum (GST inclusive), commencing on 13th of February 2024.

**There being no further business the meeting closed at 06:20 PM.**

**Bright & Duggan Pty Ltd**  
**Managing Agents for Plan No. 76171**