

**6 AUG 2021**

**NOTICE OF AN EXTRAORDINARY GENERAL MEETING  
THE OWNERS STRATA PLAN NO. 3840  
3840  
51-53 THE CRESCENT MANLY**

**YOUR GENERAL MEETING WILL BE HELD WHOLLY BY MEANS OF PRE-MEETING ELECTRONIC VOTING.  
VOTING WILL CLOSE ON Thursday, 26 August 2021 AT 10:00 AM.**  
(The meeting time for collation of voting is Friday, 27 August 2021 at 10:00 AM)

**DATE, PLACE & TIME  
OF MEETING:**

An Extraordinary General Meeting of The Owners Strata Plan No. 3840 will be held **wholly by pre-meeting electronic voting**. The meeting will commence on **Friday, 27 August 2021 at 10:00 AM**.

Strata Company Professional Standards Disclosure  
Liability limited by a scheme approved under Professional Standards Legislation

The Agenda for the meeting is:

**CHAIRPERSON FOR THE MEETING:**

That the meeting note the strata managing agent will act as chairperson under delegation (proxies and voting will be collated by the Strata Managing Agent).

Explanatory Note

*This 'optional procedural motion' is a preliminary matter that may need to be considered in certain circumstances. Pursuant to Clause 12 of Schedule 1 to the Act, the current chairperson is required to chair this general meeting. In the event that the chairperson is unable to chair the meeting, then, under the Act, the meeting will be obliged to elect a person (from those eligible to vote on motions) for the purposes of chairing the meeting. In the instance where no person who is eligible to vote on motions is elected to chair the meeting, pursuant to their delegations under Section 54 of the Act and with the consent of the meeting, the managing agent could chair the meeting.*

**SECRETARY FOR THE MEETING:**

That the meeting note the strata managing agent will act as secretary under delegation (the strata managing agent will provide the minutes following the collation of the proxies and voting received prior to the meeting).

Explanatory Note

*The meeting will need a record of this meeting in the form of minutes. This 'optional procedural motion' is a preliminary matter that may need to be considered in certain circumstances. The secretary of the strata would ordinarily record the minutes of the meeting. However, with the consent of the current secretary, the meeting may resolve that the managing agent record the minutes of the meeting under the existing delegations.*

**CALLING OF THE ROLL:**

Those Present by Voting Paper; Present by Proxy; Those in Attendance; Apologies.

Explanatory Note

*The secretary is obliged to record persons in attendance and proxies. Where the chair has decided to invalidate any proxy, it would be prudent to record this in the minutes.*

## 1. MINUTES

### Motions

- 1.1. That the minutes of the last general meeting of the Owners Corporation, held on 27/05/2021, be confirmed as a true record of the proceedings of that meeting.

### *Explanatory Note*

*Clause 8 (1) (a) of Schedule 1 to the Act requires that any general meeting of a strata scheme include a form of a motion to confirm the minutes of the last general meeting.*

## 2. CIVIL FIRE SPRINKLER UPGRADE

### Motions

- 2.1. That the Owners approve the Civil Fire quote # 164289 dated 02.08.2021 for the sum of \$161,150.00 GST incl and inclusive of Home Warranty insurance (Icare HBCF insurance)

### *Explanatory Note*

*The funds for the above works already exist in the Owners account and no special levy will be required*

## 3. CONTRACT DELEGATION

### Motions

- 3.1. That having approved the previous motion to accept the Civil Fire Quote#164289, the Owners Corporation delegate the authority to the Strata Committee to accept and sign on behalf of the Owners Corporation any documentation including but not limited to contracts, progress payments and any variations and supervise the works for the sprinkler upgrade to the upper and lower levels of the car parks.

Date of this Notice: 06 Aug 2021

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## ADDITIONAL NOTES

### *Your Strata Manager*

The name of your Strata Manager is Julie Edwards, who is located at our Body Corporate Services - NSW - Chatswood branch. Please contact your manager if you have any questions about this notice.

### *Format of this Notice*

The nature of the agenda of an Extraordinary General Meeting is partly prescribed by the *Strata Schemes Management Act 2015* ("the Act"). Under the *Act* [Clause 4 of Schedule 1], motions that do not relate to the business set out in this notice of meeting are deemed to be out of order. Some items on the agenda are required to be accompanied by certain details of the provisions in the *Act*. Some of the information has to be expressed *exactly* as it is contained in the *Act*.

Explanatory notes of not more than 300 words in length are to accompany any requisitioned motion.

### *Definitions*

Act – *Strata Schemes Management Act 2015*.

Regulations – *Strata Schemes Management Regulations 2016*.

### *Attending the Meeting or Nominating a Proxy*

We recommend that you bring this notice with you to the meeting. If you cannot attend the meeting and you wish to cast a vote, please complete the proxy form attached to this notice and return it at or before the commencement of the meeting.

A proxy given to a building manager, on-site residential manager or strata managing agent is invalid if it would obtain or assist in obtaining a pecuniary interest for, or confer or assist in conferring any other material benefit on, the proxy.

Please note that since August 2008, the legislation introduced restrictions on the use of proxies and voting by developers (the original owner). These restrictions include the following:

- For the purposes of determining an election for officers of the Owners Corporation or members of the strata committee (other than in the case of a poll), the vote of an original owner is to be reduced to one-third of the votes the owner would otherwise have (ignoring any fraction);
- An original owner cannot vote by proxy or power of attorney on any matter if that proxy or power of attorney was given to it under a contract for the sale of a lot or under an associated contract or arrangement. Accordingly, any provision in a

contract for the sale of a lot or associated contract or arrangement that requires the lot owner to give the developer a proxy or power of attorney will be ineffective since that proxy or power of attorney cannot be used;

- Additionally, any contract to that effect or a term of contract of that kind is unenforceable; and,
- The original owner or lessor of a leasehold strata scheme is not entitled to vote, or exercise a proxy vote, on a matter concerning building defects in, or the rectification of building defects in, building work.

In 2015, changes to the strata legislation placed a limit on the number of proxy votes that can be held by any one person. For schemes that comprise more than 20 lots, any person is limited to a number that is equal to not more than 5% of the total number of lots. If the scheme has 20 lots or less, any person is limited to holding 1 proxy only. The new proxy form allows you to nominate an alternate (2<sup>nd</sup>) person as your proxy. Unfortunately, any proxies granted on the proxy form under the prior legislation in place prior to 30<sup>th</sup> November 2016 are no longer valid.

Please do not hesitate to contact your manager to ensure your proxy is able to be used at this meeting.

#### Types of Resolution and Voting at the Meeting

For voting purposes:

- an ordinary resolution is passed if a majority of the votes cast are in favour of it;
- a special resolution is passed if not more than 25% of the value of votes cast are against the resolution. The value of votes cast is calculated on the basis of unit entitlement.
- a unanimous resolution is passed if no vote is cast against it.

You can exercise your voting rights at the meeting in person or by proxy. If you are a corporation your voting rights can only be exercised in person by your company nominee registered on the Strata Roll or by the company's proxy after registration of the company nominee.

You, your company nominee or any person having authority to vote in respect of you cannot vote on a motion for an ordinary or special resolution unless the following amounts have been paid before the meeting:

- all contributions levied by the Owners Corporation that are payable at the date of this notice; and
- any other money that is recoverable by the Owners Corporation from you at the date of this notice.

If you are an owner, your vote does not count if a vote is cast on the same motion by:

- the mortgagee shown on the strata roll for your lot;
  - the covenant chargee shown on the strata roll for your lot; or
- in the case of multiple mortgagees or covenant chargees - the priority mortgagee or chargee shown on the strata roll for your lot.
- and if you have received at least two days notice from the mortgagees or covenant chargees of their intention to exercise their priority vote.

#### Votes of the original owner(s)

If at the time of this meeting, the original is the owner of at least one-half of the total number of lots, their vote is reduced to one-third. This voting entitlement applies to any motion put before the meeting.

Specifically, in relation to the counting of votes where a special resolution required, or where a poll is demanded, if the sum of the original owner(s) unit entitlement is at least one-half of the total unit entitlement, the value of their vote is reduced to one-third.

A vote at this meeting by the owner of a lot does not count if a priority vote in respect of the lot is cast in relation to the same matter.

#### Quorum

Clause 8, Schedule 1 to the *Act* requires that the provisions determining a quorum must be included in the notice.

Clause 17, Schedule 1 to the *Act* specifies the quorum provisions in the following terms:

##### **(1) Quorum required for motion or election**

A motion submitted at a general meeting of an Owners Corporation must not be considered, and an election must not be held, unless there is a quorum present to consider and vote on the motion or on the election.

##### **(2) When a quorum exists**

A quorum is present at a meeting only in the following circumstances:

- (a) if not less than one-quarter of the number of persons entitled to vote on the motion or election are present either personally or by duly appointed proxy,
- (b) if not less than one-quarter of the aggregate unit entitlement of the strata scheme is represented by the persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or at the election,
- (c) if there are 2 persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election, in a case where there is more than one owner in the strata scheme and the quorum otherwise calculated under this subclause would be less than 2 persons.

(3) A person who has voted, or intends to vote, on a motion or at an election at a meeting by a permitted means other than a vote in person is taken to be present for the purposes of determining whether there is a quorum.

**(4) Procedure if no quorum**

If no quorum is present within the next half-hour after the relevant motion or business arises for consideration at the meeting, the chairperson may:

- (a) adjourn the meeting for 7 days, or
- (b) declare that the persons present either personally or by duly appointed proxy and who are entitled to vote on the motion or election constitute a quorum for considering that motion or business and any subsequent motion or business at the meeting.

**(5) Quorum for adjourned meeting**

If a quorum is not present within the next half-hour after the time fixed for the adjourned meeting, the persons who are present either personally or by duly appointed proxy and who are entitled to vote on the motion or election constitute a quorum for considering that motion or business and any subsequent motion or business at the meeting.

*Financial Statements*

If you would like additional particulars, such as those specified under Section 93 (2) (c) and Section 93 (2) (d) of the *Act*, please contact BCS Strata Management Pty Ltd through the following email address: [bcs\\_chatswood@bcssm.com.au](mailto:bcs_chatswood@bcssm.com.au)

*Annexure to this meeting notice*

Minutes AGM 27.05.2021

CIVIL FIRE QUOTE \_164287 02\_08\_2021-39634269

Proxy Form

Email Authority Form