

**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

## 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

## THE MINUTES OF THE ANNUAL GENERAL MEETING

### STRATA PLAN 3840

#### 3840 51-53 THE CRESCENT MANLY

DATE, PLACE & TIME OF MEETING:	The Annual General Meeting of The Owners - Strata Plan No. 3840 was held on Thursday, 27 May 2021 at The Meeting Room, 51 - 53 The Crescent, Manly, NSW, 2095. The meeting commenced at 06:00 PM.	
LOTS REPRESENTED:	Rodney Inder (Lot 1) – proxy to Bryan Inder Mark Greenleaf (Lots 2 & 68) Simon & Joanne Cowell (Lot 3) Allan & Leonie Cook (Lot 4) – proxy to Pamela Muir Catherine & Ross Brookes (Lots 5 & 49) – proxy to Diana Mrkusich Bronwyn & Darryl Lock (Lots 6 & 55) – proxy to Simon Cowell Brian & Ephrem Pilbeam (Lots 7 & 74) K Knapp (Lots 8 & 45) – and G Knapp Sharyn Roberts (Lots 9 & 54) Diana Mrkusich (Lots 10 & 69) Patrick Weissenberg (Lots 13 & 77) Marc Boin (Lots 18 & 71) – proxy to Dominic Boin James Hunter (Lots 19 & 40) Kenneth Nock (Lot 20) Peter Schmidt (Lots 21 & 66) Bryan Inder (Lots 22, 27, 37, 42, 57, 64, 73 & 76) Doreen Nicholson (Lots 23 & 44) – proxy to Pamela Muir David Park (Lots 24 & 78) James Bardwell (Lots 26 & 48) – and Susie Bardwell Pamela & Robert Muir (Lots 29 & 43) Lynette Doblle & Robert Hurrell (Lots 30) Pecel Holdings Pty Ltd (Lots 31 & 62) – proxy to Dian Mrkusich Theodorus Van Veenendaal (Lots 35 & 51) Noelene Smith (Lot 36) Kay Gerrard (Lots 38 & 52) – and Paddy Larkin	
IN ATTENDANCE:	Julie Edwards	(Body Corporate Services)
CHAIRPERSON:	Julie Edwards (Under delegation)	
SECRETARY:	Julie Edwards of BCS Strata Management Pty Ltd	
APOLOGIES:	Catherine Van Veenendaal	(Lots 35 & 51)

## 1. MINUTES

### Motions

- 1.1. That the minutes of the last general meeting of the Owners Corporation, held on 29/04/2021, be confirmed as a true record of the proceedings of that meeting.

**MOTION CARRIED**

**MINUTES OF ANNUAL GENERAL MEETING  
THE OWNERS - STRATA PLAN NO. 3840**

**ADDRESS OF THE STRATA SCHEME: 3840  
51-53 THE CRESCENT**

**2. COMPLIANCE MEASURES**

Motions

**2.1. (Annual Fire Safety Statement)**

That the Owners Corporation consider the current Annual Fire Safety Statement and determine any action required.

**MOTION CARRIED**

- 2.2.** That the Owners Corporation resolves that the strata manager is to engage an accredited practitioner (fire safety) who is accredited in Fire Safety Assessment and appropriately qualified to undertake assessment of each fire safety measure to:

- a. ensure all fire safety measures are maintained in accordance with clause 177 of the Environmental Planning and Assessment Regulation 2000; and,
- b. declare that each fire safety measure has been assessed by an appropriately qualified accredited practitioner (fire safety); and,
- c. issue the fire safety statement accordingly.

**MOTION LOST**

- 2.3.** That the Owners Corporation authorise the managing agent, building manager or strata committee to sign such documents as may be necessary in relation to the lodgement of the next Annual Fire Safety Statement. If required, this authority includes the managing agent affixing the common seal of the Owners Corporation in accordance with Section 273 of the Act.

**MOTION CARRIED**

**2.4. (Window safety devices reinspection)**

That the Owners – Strata Plan No 3840, resolve to undertake an inspection of all window safety devices previously installed to windows within the strata scheme to ensure the Owners Corporation comply with their obligations pursuant to Section 118 of the *Strata Schemes Management Act 2015* and Regulation 30 of the *Strata Schemes Management Regulation 2016* and that the appointment of an appropriately qualified third party to undertake this inspection be delegated to the strata committee.

**MOTION LOST**

- 2.5.** That following the inspection of window safety devices the Owners – Strata Plan No 3840, authorize the strata committee to make arrangements for the installation, maintenance or repair of any required window safety devices within the strata scheme to ensure the Owners Corporation comply with their obligations pursuant to Section 118 of the *Strata Schemes Management Act 2015* and Regulation 30 of the *Strata Schemes Management Regulation 2016*.

**MOTION LOST**

**2.6. (Safety Audit Report)**

That the Owners Corporation review the safety audit report prepared by Solutions In Engineering on 05/07/2013 and what actions have been taken to date and those yet to be undertaken and an updated report be obtained.

**MOTION CARRIED**

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**2.7. (Asbestos Survey)**

That the Owners Corporation review the asbestos survey report prepared by Solutions In Engineering on 17/01/2017 and what actions have been taken to date and those yet to be undertaken.

**NOTE: Most has been removed and only common property fire doors contain asbestos and the backing board in the meter room.**

**MOTION CARRIED**

**2.8. (Lifts)**

That the Owners Corporation resolves:

- to obtain an Annual Safe To Operate/Maintenance Certificate (the Certificate) from the current lift maintenance contractor for the purposes of renewal of registration of the lifts with Safe Work NSW; and
- that following receipt of the Certificate, the strata managing agent, building manager or strata committee is authorised to sign any documents required to be lodged for the lift registration with Safe Work.

**MOTION CARRIED**

**2.9. (Other compliance measures)**

That the Owners Corporation consider any additional compliance matters for the scheme and determine any appropriate action (if required).

**NOTE: Tile in foyer and it is being attended to.**

**MOTION CARRIED**

**3. UTILITIES AGREEMENTS**

Motions

- 3.1. That the Owners Corporation consider the supply agreements that they have in place for utilities and determine any action required.

**MOTION CARRIED**

- 3.2. That the Owners Corporation instruct the Managing Agent to:
- i. engage a broker or other type of specialist if required;
  - ii. disclose data and information of the Owners Corporation related to the utility if required; and,
  - iii. sign a letter of authority to authorise the broker to acquire and provide quotes.

**MOTION CARRIED**

- 3.3. That the Owners Corporation appoint the Chairperson to approve entry by the Owners Corporation into an utility agreement of up to 3 years provided that, in the opinion of the Chairperson, it is more financially beneficial for the Owners Corporation than its current arrangements, and is otherwise on terms that are broadly consistent with those available in the market, and further the Owners Corporation authorise the managing agent to enter into an utility agreement behalf of the Owners Corporation as instructed by the Chairperson.

**NOTE: David Park to be site contact for the Utilities department**

**MOTION CARRIED**

**4. INSURANCES**

Motions

- 4.1. That the Owners Corporation confirm that the following insurance policies are currently in place.

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Current Insurance Details

Policy Number	Underwriter	Current To	Risk Type	Coverage Amount
HU0042133	CHU/QBE COMMUNITY SURE	30 Jun 2021	Building Catastrophe	\$9,539,987.00
			Common Area Contents	\$318,000.00
			Fidelity Guarantee Insurance	\$250,000.00
			Appeal Expenses	\$100,000.00
			Legal Defense Expenses	\$50,000.00
			Loss of Rent	\$4,769,993.00
			Workers Compensation Insurance	AS PER ACT
			Damage (i.e. Building) Policy	\$31,799,959.00
			Voluntary Workers Insurance	\$300,000.00 / \$3,000.00
			Government Audit Costs	\$25,000.00
			Property, Death and Injury (Public Liability)	\$30,000,000.00
			Flood	\$31,799,959.00
			Office Bearers Liability Insurance	\$5,000,000.00
			Machinery Breakdown Insurance	\$10,000.00
			Lot Owner's Fixtures and Improvements	\$250,000.00
TOTAL PREMIUM: \$37,831.55				

Date on which the premiums were last paid: **10/06/2020**

**MOTION CARRIED**

- 4.2. That the insurances of the Owners Corporation be extended to include any additional optional insurances not covered in the above table.

**NOTE: No additional insurance required.**

**MOTION CARRIED**

- 4.3. That the Owners Corporation confirm that it does NOT employ workers with total annual wages exceeding \$7,500.00 and therefore will not require workers compensation insurance for the coming year.

**MOTION CARRIED**

- 4.4. That the Owners Corporation acknowledges their obligation to provide/disclose to the insurer, either upon renewal or throughout the period of the policy, any item requiring disclosure under the policy including a Work, Health and Safety report, defects report and the like.

**MOTION CARRIED**

- 4.5. That the Owners Corporation authorise the managing agent to renew insurances in accordance with the insurer or insurance broker's recommendation in circumstances where alternate instructions are not received from the strata committee prior to the renewal date.

**MOTION CARRIED**

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**5. COMMISSIONS AND TRAINING SERVICES**

Motions

- 5.1. That the Owners Corporation note a report by the managing agent, in the agenda explanatory note, in regards to the commissions that have been paid and training services received in the last year and those commissions likely to be paid and training services provided to the managing agent in the coming year.

**Reporting details:**

**Commissions and Training Services Report for the last 12 months**

*Commissions received that have been paid to the managing agent in the last 12 months are as follows:*

- Insurance commissions: \$4,656.58;
- CommunitySure Management fees to parent entity (PICA Group)\*1: \$1,330.46
- PICA Group may have received a referral fee from Bulk Energy, Energy Action, E Utility and/or Savant Energy Advisory on the sale and provision of electricity and/or gas if the scheme has successfully engaged a broker for electricity and/or gas services. Commissions for Commercial & Industrial: 30% to 33.33% of the commission the broker receives from the retailer, for Small Market Enterprises or Residential: \$25 to \$150 per energy agreement.

*Training services received/provided to the strata managing agent by external service providers in the last 12 months:*

- legal service providers including Chambers Russell Lawyers, Grace Lawyers, Clarke Kann Lawyers, Bannermans Lawyers, Kerin Benson Lawyers and JS Mueller & Co
- insurance service providers CHU Underwriting Agencies Pty Ltd, BAC Insurance Brokers and BCB Strata Insurance Brokers (Body Corporate Brokers Pty Ltd)

*Training services received from external service providers are estimated to be in excess of 10 hours per year per manager. The value of which is estimated at \$250 in total.*

**Estimated Commissions and Training Services Report for the next 12 months**

*Estimated Commissions likely to be paid to the managing agent in the next 12 months are as follows:*

- Insurance commissions: \$5,122.24;
- CommunitySure Management fees to parent entity (PICA Group)\*1: \$1,463.51
- PICA Group may receive a referral fee from Bulk Energy, Energy Action, E Utility and/or Savant Energy Advisory on the sale and provision of electricity and/or gas if the scheme successfully engages a broker for electricity and/or gas services. Commissions for Commercial & Industrial: 30% to 33.33% of the commission the broker receives from the retailer, for Small Market Enterprises or Residential: \$25 to \$150 per energy agreement.

*Training services likely to be received/provided to the managing agent by external service providers in the next 12 months are as follows:*

- legal service providers including but not limited to Chambers Russell Lawyers, Grace Lawyers, Clarke Kann Lawyers, Bannermans Lawyers, Kerin Benson Lawyers and JS Mueller & Co.
- insurance service providers CHU Underwriting Agencies Pty Ltd and BCB Strata Insurance Brokers (Body Corporate Brokers Pty Ltd)

*We estimate the training services received from external service providers will be in excess of 10 hours per year per manager. The value of which is estimated at \$250 in total.*

*\*1 Please refer to the Additional Notes at the end of the agenda for additional information about insurance disclosures about the CommunitySure product.*

**MOTION CARRIED**

**6. VALUATION**

Motions

- 6.1. That the Owners Corporation obtain a replacement cost estimate (valuation) for insurance purposes.

The last valuation was done in 2019.

**MOTION LOST**

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- 6.2. That the managing agent be authorised to adjust the building sum insured in line with the insurance valuation upon receipt.

**MOTION LOST**

**7. AUDITOR**

Motions

- 7.1. That an auditor be appointed and that auditor be Kelly & Partners.

**MOTION CARRIED**

**8. CAPITAL WORKS FUND PLAN**

Motions

- 8.1. That the Owners Corporation confirms receipt of the capital works analysis prepared by Solutions In Engineering on 10/06/2017.

**NOTE: Solutions In Engineering analysis will be revised after the completion of major works scheduled for 2022.**

**MOTION CARRIED**

- 8.2. That the strata managing agent be instructed to obtain quotations to prepare a 10-year capital works fund plan and the strata committee be authorised to provide directions in relation to the appointment of a consultant to prepare the 10-year capital works fund plan.

**MOTION LOST**

**9. RESTRICTED MATTERS**

Motions

- 9.1. That there be no additional restrictions placed on the strata committee other than those currently imposed by Section 36 (3) of the Act.

**MOTION CARRIED**

- 9.2. That in the event the preceding motion is defeated the Owners Corporation determine restrictions to be placed on the strata committee.

**MOTION LOST**

**10. GST REGISTRATION**

Motions

- 10.1. That the Owners Corporation resolves to confirm its current GST registration.

**MOTION CARRIED**

**11. ENGAGEMENT OF CONTRACTORS**

Motions

- 11.1. That the Owners Corporation acknowledges that the managing agent will not issue a Work Order or engage any contractors for the provision of any goods or services, unless they have complied with the minimum requirements set out in the table below.

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Minimum requirements (as aligned to the recommended criteria as advised by Safe Work Australia)	<ul style="list-style-type: none"> <li>• Must be registered as a business for tax purposes in Australia</li> <li>• Must have a minimum \$10 million Public &amp; Product Liability Insurance (in respect of each and every occurrence and unlimited in aggregate for any one period of cover)</li> <li>• Must have a minimum \$1 million Professional Indemnity Insurance (where applicable)</li> <li>• Must have Statutory Workers Compensation Insurance for all employees or Personal and Accident Insurance as a Sole Trader</li> <li>• Must hold all licences as relevant to services provided</li> <li>• Must have an established Quality Management system (Consultants only)</li> <li>• Must have an established Health &amp; Safety Management system</li> <li>• Must accept PICA Group Terms and Conditions of engagement and Business Code of Conduct.</li> </ul>
Definitions:	<ul style="list-style-type: none"> <li>• Contractor: means a person or organisation that is engaged, on a temporary basis, to undertake a particular task and includes consultants who provide recommendations and/or specialist professional advice.</li> <li>• Work Order: means a written order providing specific or blanket authorisation to a contractor to proceed with the provision of specific goods or services without further instructions.</li> </ul>

**MOTION CARRIED**

**12. ACCOUNTING RECORDS AND BUDGET**

Motions

- 12.1. That the financial statements including the statement of key financial information for the period ended **31/3/21** be adopted.

**MOTION CARRIED**

- 12.2. That estimated receipts and payments (budget) for the administrative fund and the capital works fund as attached to this agenda be adopted.

**MOTION CARRIED**

**13. CONTRIBUTIONS**

Motions

- 13.1. That contributions to the administrative fund are estimated in accordance with Section 79(1) of the Act and determined in accordance with Section 81(1) of the Act at \$200,000.00 inclusive of GST in instalments set out in the table below:

Levy Status	Due date	Amount
Already Issued	01/04/2021	\$51,188.23
Already Issued	01/07/2021	\$51,188.23
To be Issued	01/10/2021	\$48,811.77
To be Issued	01/01/2022	\$48,811.77
<b>Total</b>		<b>\$200,000.00</b>

*inclusive of GST*

**MOTION AMENDED AND CARRIED**

- 13.2. That contributions to the capital works fund are estimated in accordance with Section 79(2) of the Act and determined in accordance with Section 81(1) of the Act at \$99,500.00 inclusive of GST in instalments set out in the table below.

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Levy Status	Due date	Amount
Already Issued	01/04/2021	\$24,860.83
Already Issued	01/07/2021	\$24,860.83
To be Issued	01/10/2021	\$24,889.17
To be Issued	01/01/2022	\$24,889.17
<b>Total</b>		<b>\$99,500.00</b>

*inclusive of GST*

**MOTION AMENDED AND CARRIED**

- 13.3. That the administrative fund and capital works fund contributions be continued at quarterly intervals until further determined:

**Administrative Fund  
Interim Periods**

Levy Status	Due date	Amount
To be Issued	01/04/2022	\$50,000.00
To be Issued	01/07/2022	\$50,000.00
<b>Total</b>		<b>\$100,000.00</b>

*inclusive of GST*

**Capital Works Fund  
Interim Periods**

Levy Status	Due date	Amount
To be Issued	01/04/2022	\$24,875.00
To be Issued	01/07/2022	\$24,875.00
<b>Total</b>		<b>\$49,750.00</b>

*inclusive of GST*

**MOTION CARRIED**

**14. LEVY COLLECTION PROCEDURES**

Motions

- 14.1. That the Owners – Strata Plan 3840, for the purpose of collecting levy contributions, interest and recovery costs thereon and pursuant to the Act (including section 103 of the Act), authorise the strata managing agent and/or the strata committee to do any of the following:
- Levy Recovery Step 1: issue a reminder levy notice 35 days after the levy due date;
  - Levy Recovery Step 2: issue 1st levy recovery letter 60 days after the levy due date;
  - Levy Recovery Step 3: issue 2nd levy recovery letter 75 days after the levy due date;
  - Levy Recovery Step 4: 106 days after the original date the levy was due, and where the debt is in excess of \$2,000.00, or another amount determined by the strata committee, appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation of solicitors, barristers and/or experts on behalf of The Owners – Plan No 3840 to issue a letter of demand and/or to 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.

**MINUTES OF ANNUAL GENERAL MEETING  
THE OWNERS - STRATA PLAN NO. 3840**

**ADDRESS OF THE STRATA SCHEME: 3840  
51-53 THE CRESCENT**

- e. Enforce any judgment obtained in the collection of levy contributions including commencing and maintaining bankruptcy or winding up proceedings,
- f. Filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions; and
- g. Liaise, instruct and prepare all matters with the Owners Corporations debt collection agents, lawyers and/or experts in relation to any levy recovery proceedings.

**MOTION CARRIED**

- 14.2. That the Owners – Strata Plan 3840, delegate and authorise the functions to the **strata committee** to make changes to the above debt recovery process on behalf of the Owners Corporation from time-to-time as they see fit.

**MOTION LOST**

- 14.3. That the Owners – Strata Plan 3840, for the purpose of collecting levy contributions, interest and recovery costs thereon and pursuant to the Act (including section 103 of the Act), authorise the strata committee to approve payment plans generally or for specific lot owners.

**MOTION LOST**

**15. HONORARIUM**

Motions

- 15.1. That an Honorarium of \$10,000.00 to be paid to Ms Diana Mrkusich for services performed on behalf of the Owners Corporation for the year ending 31/03/2021.

**MOTION CARRIED**

**16. SPECIAL LEVY**

Motions

- 16.1. That a special levy of \$2,116,000.00 incl GST be struck in accordance with Section 81 (4) of the Act due and payable in one lump sum, as per unit entitlement for the purpose of remediation of balconies to be paid into the Capital Works Fund.

**NOTE: The meeting has requested that once the remedial works have been completed any surplus funds from the \$2,116,000.00 (the Special Levy) are to be returned to the lot owners in accordance with Unit Entitlement and will be voted on at the next General Meeting following completion of the works.**

**MOTION AMENDED AND CARRIED**

- 16.2. That the special contribution be paid in one lump sum due and payable on **01/10/2021**.

**MOTION AMENDED AND CARRIED**

**17. RELINING WATER TANK**

Motions

- 17.1. That the Owners Corporation discuss and approve the relining of the water tank on the roof, (used for fire safety not drinking water) at an approximate cost of \$75,000.00 (incl GST) to come out of the Capital Works fund.

**MOTION CARRIED**

**MINUTES OF ANNUAL GENERAL MEETING  
THE OWNERS - STRATA PLAN NO. 3840**

**ADDRESS OF THE STRATA SCHEME: 3840  
51-53 THE CRESCENT**

- 17.2. That the Owners Corporation delegate authority to the Strata Committee to sign any contracts (including the Home owners Warranty) between SP3840 and Sanrig Pty Ltd

**MOTION CARRIED**

**18. VOTING BY ELECTRONIC MEANS**

Motions

- 18.1. That pursuant to Regulation 14 (1) (a) and Regulation 14 (1) (b) of the *Strata Schemes Management Regulation 2016 (NSW)*, the Owners Corporation approve the adoption of voting partly by electronic pre-meeting voting, whilst also allowing the adoption of voting by teleconference or video conference while participating from a remote location, for the next general meeting of the Owners Corporation.

**MOTION CARRIED**

**19. STRATA COMMITTEE NOMINATIONS**

Motions

- 19.1. That nominations for election to the strata committee be received, declared and recorded. Nominations received prior to the issuing of this notice are noted below under "Election of Committee".

<b>Name</b>	<b>Lot</b>	<b>Nominated By</b>
Brian Pilbeam	7	Self Nomination
Diana Mrkusich	10	Self Nomination
David Park	24	Self Nomination
Pamela Muir	29	Self Nomination

**MOTION CARRIED**

- 19.2. That candidates for election to the strata committee disclose any connections with the original owner (developer) or building manager in accordance with the Act.

**NOTE: There were no connections.**

**MOTION CARRIED**

- 19.3. That the number of members of the strata committee be determined at 4.

**MOTION CARRIED**

**20. STRATA COMMITTEE ELECTION**

Brian Pilbeam, Diana Mrkusich, David Park and Pamela Muir were elected to the Committee.

CLOSURE: There being no further business, the chairperson declared the meeting closed at 07:40 PM.



## Quotation 164287

Civil Fire Design Pty Ltd

ABN 25 099 419 753

Civil Fire

PO Box 46

St Leonards NSW 2065

License No. 135986C

**Date**

02/08/2021

**Valid To**

31/08/2022

**Total EX GST**

\$146,500.00

**Body Corporate Services - BCS  
Locked Bag 22  
Haymarket NSW  
Australia 1238**

**Property:**

**The Crescent 51 Manly  
SP3840 - The Pines [T-  
SP3840]  
51 The Crescent SP3840  
Manly 2095**

## RECOMMENDATION

The items listed below have been identified as requiring attention. In the interests of occupant safety and best industry practises we recommended they be actioned with a minimum of delay.

ID	Equipment Type	Asset Number	Severity	Cost
323066	Valve Set			\$140,000.00

Description: SPRINKLER SYSTEM PIPE WORK REFURBISHMENT / REPLACEMENT QUOTE: Accept/Reject

Quote followed on from Civil Fire Job ID, J128579

**\*\*NOTE QUOTED PRICE ONLY VALID UNTILL END AUGUST 2021\*\***

As requested, Civil Fire attended and met with EC on site Thursday 27th Aug 2015 and inspected the Fire Sprinkler pipe work within the upper and lower level car parks. Please find below Work Scope for the replacement of all common area Sprinkler pipe work.

### WORK SCOPE:

- Tech(s) Attend / Set-up Site.
- Isolate & Drain Sprinkler System for duration of work.
- Setup protective Drop Sheets in Unit.
- Remove existing Sprinkler pipe work.
- Fabricate and install new Sprinkler pipe work.
- De-Isolate and Re-Charge Sprinkler System, test for leaks - ALL OK.
- Site Clean-up / Rubbish Removal.

### PLEASE NOTE:

- This quote has only allowed for the replacement of the existing (Accessible)pipe work.
- Excludes Main Entry Foyer area as discussed with Dianna
- This quoted excludes but not limited to such things as Painting, Ceiling repairs or anything else falling outside the quoted work scope.
- Although Civil Fire will attempt to patch and repair where possible we take no responsibility for any repairs or defects that may arise and/or are caused by these works.
- Additional quote(s) will be created and sent through to Strata Management should any additional defects / repairs be identified.
- As requested, quoted price covers all works (excluding valve-set)
- Access to all areas will be required throughout project, additional charges may be incurred for any delays caused by access not being provided to Civil Fire technicians.

Location: Carpark Property level Basement

323067	Valve Set			\$6,500.00
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Description: SPRINKLER VALVE-SET & ANCILLARY COMPONENT REPLACEMENT QUOTE: Accept/Reject

Also as discussed on site, the EC would like a separate price to replace all the Ancillary Components on the Sprinkler Valve-set. Please find Civil Fire's price to replace the Sprinkler Valve-set and all ancillary components.

Location: Carpark Property level Basement

323068	Valve Set			Do & Bill
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Description: PLEASE NOTE:  
Quote specifically excludes any drawing and/or plans. Accept/Reject

Location: Carpark Property level Basement

**Total:** \$146,500.00  
**GST:** \$14,650.00  
**Total Inc GST:** \$161,150.00

<div>Quote ID 164287</div>	Accepted / Rejected	(Fax: (02) 9906 1627 )	Date: _____
Prepared By: Peter Hellmrich		Order Number: _____	
		Customer Name: _____	
Signature: _____		Customer Signature: _____	

Please refer to all conditions & exclusions at [civilfire.com.au/quoteconditions](http://civilfire.com.au/quoteconditions).  
By accepting this quote, you acknowledge and agree to all of Civil Fire's terms and conditions.



# Proxy Appointment

## Strata Schemes Management Act 2015

Approved form under: Strata Schemes Management Act 2015 (Clause 26 (1) of Schedule 1)

Date

I/We *[name(s)]*

the owners of lot *[address]*

In Strata Plan No.  Appoint *[name of first appointee]*

Of *[first appointee's address]*

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings).

I/We appoint *[second appointee's name]*

Of *[second appointee's address]*

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings) if the named above already holds the maximum number of proxies that may be accepted.

Period or number of meetings for which appointment of proxy has effect *[Tick OR tick and complete whichever applies below]:*

- ☐ 1 meeting ☐ *[please insert number]*  meetings
- ☐ 1 month ☐ *[please insert number]*  months
- ☐ 12 months ☐ 2 consecutive annual general meetings

*(Note: The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater.)*

*[Tick and complete whichever applies below]:*

- ☐ **1. This form authorises the proxy to vote on my/our behalf on all matters.**

**OR**

- ☐ **2. This form authorises the proxy to vote on my/our behalf on the following matters only:**  
*[Specify the matters and any limitations on the manner in which you want the proxy to vote.]*

- ☐ **3. If a vote is taken on whether (the strata managing agent) should be appointed or remain in office or whether another managing agent is to be appointed, I/we want the proxy to vote as follows:**

I understand that, if the proxy already holds more than the permitted number of proxies, the proxy will not be permitted to vote on my/our behalf on any matters.

Signature of owner/s

<div>X</div>	
Name <i>[print]:</i>	<input type="text"/>

<div>X</div>	
Name <i>[print]:</i>	<input type="text"/>

#### **NOTES ON APPOINTMENT OF PROXIES**

1. This form is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which it is to operate (in the case of a large strata scheme) or at or before the first meeting in relation to which it is to operate (in any other case).
2. This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.
3. This proxy is valid for any general meetings held during the period (if any) specified on page 1 of this form. If no period is specified then this proxy ends after 12 months or two annual general meetings, whichever occurs later.
4. If a person holds more than the total number of proxies permissible, the person cannot vote using any additional proxies. The total number of proxies that may be held by a person (other than proxies held by the person as the co-owner of a lot) voting on a resolution are as follows:
  - (a) if the strata scheme has 20 lots or less, one,
  - (b) if the strata scheme has more than 20 lots, a number that is equal to not more than 5% of the total number of lots.
5. A provision of a contract for the sale of a lot in a strata scheme, or of any ancillary or related contract or arrangement, is void and unenforceable to the extent that it:
  - (a) requires the purchaser of a lot, or any other person, to cast a vote at a meeting of the owners corporation at the direction of another person, or
  - (b) requires the purchaser to give a proxy at the direction of another person for the purpose of voting at a meeting of the owners corporation (that is a person cannot rely on any such proxy to cast a vote as a proxy).

#### **NOTES ON RIGHTS OF PROXIES TO VOTE**

1. A duly appointed proxy:
  - (a) may vote on a show of hands (or by any other means approved by a general resolution at a meeting of the owners corporation), subject to any limitation in this form, or may demand a poll, and
  - (b) may vote in the person's own right if entitled to vote otherwise than as a proxy, and
  - (c) if appointed as a proxy for more than one person, may vote separately as a proxy in each case.
2. A proxy is not authorised to vote on a matter:
  - (a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
  - (b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, building manager or on-site residential property manager, or
  - (c) if the right to vote on any such matter is limited by this form.





## Pre-Meeting Voting Ballot Paper

Plan No 3840 Extraordinary General Meeting - Friday, 27 August 2021

The Extraordinary General Meeting of SP 3840 is to be held wholly by means of pre-meeting 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).

Pursuant to Regulation 15, of the *Strata Schemes Management Regulation 2016 (NSW)*, for your vote to be deemed valid, you must complete the ballot paper in accordance with the below simple steps:

- You must clearly indicate whether you are voting in favour, against or are abstaining by placing a tick in one of the voting boxes.
- You must indicate on the ballot paper, the capacity in which you are voting, i.e., as lot owner, first mortgagee, covenant chargee of the lot, as a company nominee or as a proxy.
- If you are voting as a proxy, please name the person who gave the proxy and the capacity in which it was given – there is a space provided on this ballot paper for you to complete the details; and,
- Sign this ballot paper – all owners of the lot must sign unless you are a proxy/company nominee/mortgagee/covenant charge. Once completed, the ballot paper **MUST** be returned to the Secretary or Manager (to the address in the header of the agenda) before the closure of voting at 10:00 AM on Thursday, 26 August 2021.

### Voting Paper:

<b>Item 1: MINUTES</b>			
1.1: CONFIRMATION OF MINUTES	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> Abstain
<b>Item 2: CIVIL FIRE SPRINKLER UPGRADE</b>			
2.1: CIVIL FIRE SPRINKLER UPGRADE	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> Abstain
<b>Item 3: CONTRACT DELEGATION</b>			
3.1: CONTRACT DELEGATION	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> Abstain

### REQUIRED:

Ballot Paper Page 1 of 2

**Please complete on each page of the ballot paper:**

-----  
Signature of Person(s)  
completing this ballot

-----  
Name(s) (Print in Capitals)

-----  
Lot #

-----  
Date

**Pre-Meeting Voting Ballot Paper (Page 2 of 2)**  
Plan No 3840 Extraordinary General Meeting - Friday, 27 August 2021

Now provide the following details:

**VOTING CAPACITY (Circle One):**

Owner/ Company Nominee/ Proxy/ Mortgagee/ Covenant Chargee.

**IF VOTING BY PROXY:**

(A) Name of person who gave proxy: \_\_\_\_\_

(B) Capacity of the person giving the proxy (Circle one of the following):

Owner (s)/ Company Nominee/ Proxy/ Mortgagee/Covenant Chargee.

**Please Note:**

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1. The Act does not permit the election of the strata committee by pre-meeting electronic voting.

2. In the event that motions are to be determined in a general meeting partly by pre-meeting voting, if persons eligible to vote who attend that meeting resolve to amend any of the motions on the agenda, pre-meeting voting on an amended motion will have no effect.

**THIS BALLOT MUST REACH THE MANAGER AT LEAST 24 HOURS PRIOR TO THE  
COMMENCEMENT OF THE MEETING.**

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Ballot Paper Page 2 of 2

**Please complete on each page of the ballot paper:**

\_\_\_\_\_  
Signature of Person(s)  
completing this ballot

\_\_\_\_\_  
Name(s) (Print in Capitals)

\_\_\_\_\_  
Lot #

\_\_\_\_\_  
Date