

Strata Schemes Management Act 2015 (NSW)

MINUTES OF ANNUAL GENERAL MEETING

The Owners – Strata Plan No. 56106
'Bay Breeze Resort'
 1 Trafalgar Street Nelson Bay 2315

DATE, PLACE AND TIME

The meeting was held on 29th July 2023
 Onsite at the above address in the restaurant
 With Microsoft Teams available and electronic voting allowed on all motions

DECLARATION OF PROXIES &

VOTING RIGHTS:

Lot 1	Proxy f/- G. Jepson
Lot 4	Apologies
Lot 5	Proxy f/- J. Merrett
Lot 6	P. Goman
Lot 7	Company Nominee – J. Merrett
Lot 8	Proxy f/- G. Jepson
Lot 11	Proxy f/- S. Bailey
Lot 12	Proxy f/- J. Merrett
Lot 14	K. & A. Lawson – voting paper
Lot 15	A. Ward – voting paper
Lot 17	R. Berry
Lot 19	Proxy f/- S. Bailey
Lot 20	G. Jepson
Lot 22	Proxy f/- G. Harman
Lot 25	B. Sills
Lot 26	J. Birrell
Lot 28	Company nominee – L. Merrett
Lot 29	G. Harman
Lot 30	Proxy f/- L. Merrett
Lot 32	M. Bridge
Lot 33	Proxy f/- G. Harman
Lot 34	Proxy f/- M. Bridge
Lot 37	Company nominee - F. Saraikin
Lot 38	Proxy f/- L. Merrett
Lot 39	S. Bailey
Lot 40	N. Coffey
Lot 41	Company Nominee – L. Merrett

PRESENT BY PROXY:

ATF GJ & LT Hayes Super Fund (Lot 1), I. Brakenridge (Lot 5), F.&L. Cuadro (Lot 8), S. Aurino (Lot 11), R. & E. Hogbin (Lot 12), R. & A. Bonadio (Lot 19), D. & M. Minter (Lot 22), I. & B. Neilson (Lot 30), G. & S. Garland (Lot 33), E. Mauro & J. Kline (Lot 34) and A. Liu (Lot 38).

IN ATTENDANCE:

T. Sills (lot 25), R. Birrell (lot 26), D. Bridge (Lot 32), L. Bailey (Lot 39) and A. Freeman of Strata Plus Port Stephens.

CHAIRPERSON:

Those present determined that Angela Freeman chair the meeting.

The chairperson declared a quorum

The meeting was declared open at 10:00am.

MINUTES

CONFIRMATION OF RECORDS		
MOTION 1	CONFIRMATION OF MINUTES	RESOLVED that the minutes of the last general meeting of the owners corporation held on 8 TH May 2023 be confirmed as a true record and account of the proceedings at that meeting.
MOTION 2	ADOPTION OF FINANCIAL STATEMENTS	RESOLVED that the audited financial reports and the key financial information for the period ending 30 th April 2023 be adopted.
COMMON PROPERTY RISK MANAGEMENT		
MOTION 3	INSURANCE - CONFIRMATION AND RENEWAL	RESOLVED that the owners corporation's current insurance policies as detailed in the attached schedule be confirmed and a standing authority be given to Strata Plus North Pty Limited to renew the insurances for the scheme in accordance with the current valuation. (subject to the decision to the next motion) Last obtained: 2022
MOTION 4	INSURANCE VALUATION	MOVED that a valuation be obtained for insurance purposes prior to the expiration of the current policy period and that the managing agent be authorised to alter the sum insured in accordance with the updated valuation. The motion on being put was lost
MOTION 5	INSURANCE COMMISSION & TRAINING SERVICES	The owners corporation NOTED that Strata Plus North confirmed that no commission or broker fee was received at the time this premium was paid.
MOTION 6	ANNUAL FIRE SAFETY STATEMENT	RESOLVED that the Owners Corporation RESOLVES pursuant to section 12 and Clause 6 (c) of Schedule 1 of the Strata Schemes Management Act 2015 ('the Act') to do the following: (a) Select a practitioner who classifies as an accredited practitioner (fire safety). (b) Appoint and engage the accredited practitioner (fire safety). (the APFS) to: (i) Undertake fire safety inspections of the buildings fire safety services measures; and (ii) Submit any corrective actions identified, to enable the Strata Committee/Owners Corporation determine what rectifications are required, if any; (iii) Prepare an Annual Fire Safety Statement for the building in accordance with the applicable provisions of the Environmental Planning and Assessment Regulation 2020 (NSW), and the Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017 (as amended) (EP&A Regulation); and (iv) Sign the annual fire safety statement (AFSS) on behalf of the Owners Corporation provided that the requirements for an annual fire safety statement under the EP&A Regulation have been met; and Delegate to the strata managing agent under section 52, authority to arrange inspections for the purposes of fire safety in accordance with section 123 of the Act; and (c) THAT the owners corporation authorize the following people to execute the AFSS on their behalf, in the following order: i. The secretary of the scheme, then ii. A member of the committee to be determined at the meeting, then iii. A second member of the committee to be determined at the meeting, then

		<p>iv. The managing agent. FURTHER that the owners corporation acknowledge that a fee of one hour of the director's time will be payable by the owners corporation to the managing agent should they instruct the managing agent to sign the AFSS on their behalf.</p> <p>(d) Delegate to the strata managing agent the lodgement of the AFSS statement (where required) to the local Council and Fire & Rescue.</p>												
PROPERTY MAINTENANCE														
MOTION 7	GROUNDS MAINTENANCE	RESOLVED that the owners corporation confirm the appointment of MSN Property Management as the grounds maintenance contractor.												
MOTION 8	TERMITE INSPECTION	RESOLVED that the owners corporation undertake a termite inspection of the external common property areas only, including meter rooms, common property facilities, fences, roof voids and garden areas, noting that owners are responsible for the internal of their lots.												
MOTION 9	PEST CONTROL	<p>RESOLVED that the owners corporation undertakes pest services for cockroaches and spiders with the following frequency</p> <ul style="list-style-type: none"> • Internal Units every 4 months • Common Property Areas every 6 months <p>Note: It was brought to the attention of the meeting that the units that aren't in the letting pool have not been included in the pest spray. Strata Manager to investigate and ensure these units are included in the routine sprays.</p>												
FINANCIAL MATTERS														
MOTION 10	APPOINTMENT OF AUDITOR	RESOLVED that an auditor be appointed by the owners corporation for the financial year ending 30 th April 2024.												
BUDGET AND LEVY CONTRIBUTIONS														
MOTION 11	ADMINISTRATIVE FUND BUDGET & LEVIES	<p>RESOLVED that the Administrative Fund Budget for the financial year commencing 1st April 2023 be adopted and that levies of \$271,700.00 incl. GST (\$247,000.00 plus GST) be determined as detailed in the table below:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Due Date</th> <th style="text-align: right;">Admin Fund incl. GST</th> </tr> </thead> <tbody> <tr> <td>1 June 2023 – resolved at last year's AGM</td> <td style="text-align: right;">\$64,128.17</td> </tr> <tr> <td>1 September 2023</td> <td style="text-align: right;">\$69,190.61</td> </tr> <tr> <td>1 December 2023</td> <td style="text-align: right;">\$69,190.61</td> </tr> <tr> <td>1 March 2024</td> <td style="text-align: right;">\$69,190.61</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$271,700.00</td> </tr> </tbody> </table> <p>Further, that the first levy for the following financial year be due and payable to the Administrative Fund in accordance with the table below and that these amounts continue to fall due and payable on a quarterly basis until redetermined at next year's annual general meeting:</p>	Due Date	Admin Fund incl. GST	1 June 2023 – resolved at last year's AGM	\$64,128.17	1 September 2023	\$69,190.61	1 December 2023	\$69,190.61	1 March 2024	\$69,190.61	Total	\$271,700.00
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MOTION 12	RECOMMENDATIONS OF CAPITAL WORKS FUND FORECAST REPORT	<p>RESOLVED that the recommendations of the last Capital Works (or Sinking) Fund Forecast Report prepared by QIA Group be acknowledged, noting the summary from that report which details the forecasted expenditure and recommended contributions.</p> <p>Last obtained : 2017</p>																
MOTION 13	CAPITAL WORKS FUND BUDGET & LEVIES	<p>RESOLVED that the Capital Works Fund Budget for the financial year commencing 1st April 2023 be adopted and that levies of \$77,000.00 incl. GST (\$70,000.00 plus GST) be determined as detailed in the table below:</p> <table border="1"> <thead> <tr> <th>Due Date</th> <th>Capital Works incl. GST</th> </tr> </thead> <tbody> <tr> <td>1 June 2023 – resolved at last year’s AGM</td> <td>\$17,476.43</td> </tr> <tr> <td>1 September 2023</td> <td>\$19,841.19</td> </tr> <tr> <td>1 December 2023</td> <td>\$19,841.19</td> </tr> <tr> <td>1 March 2024</td> <td>\$19,841.19</td> </tr> <tr> <td>Total</td> <td>\$77,000.00</td> </tr> </tbody> </table> <p>Further, that the first levy for the following financial year be due and payable to the Capital Works Fund in accordance with the table below and that these amounts continue to fall due and payable on a quarterly basis until redetermined at the next annual general meeting:</p> <table border="1"> <thead> <tr> <th>Due Date</th> <th>Capital Works incl. GST</th> </tr> </thead> <tbody> <tr> <td>1 June 2024 – resolved at last year’s AGM</td> <td>\$19,841.19</td> </tr> </tbody> </table> <p><i>Noting: Section 83(4) states that regular contributions are taken to have been duly levied on an owner even though notice levying the contributions was not given to the owner. That means that you are still required to pay the levy even if you don’t receive a levy notice, so we encourage you to take note of the due dates.</i></p>	Due Date	Capital Works incl. GST	1 June 2023 – resolved at last year’s AGM	\$17,476.43	1 September 2023	\$19,841.19	1 December 2023	\$19,841.19	1 March 2024	\$19,841.19	Total	\$77,000.00	Due Date	Capital Works incl. GST	1 June 2024 – resolved at last year’s AGM	\$19,841.19
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MOTION 14	MANAGEMENT OF OUTSTANDING LEVIES	<p>RESOLVED that the owners corporation authorise, for the purpose of collecting levy contributions, interest and recovery costs:</p> <ul style="list-style-type: none"> (a) the managing agent to issue a reminder levy notice 30 days after the levy due date (Levy Recovery Step 1) (b) the managing agent to issue 1st levy recovery letter 45 days after the levy due date (Levy Recovery Step 2) 																

		<p>(c) the managing agent to issue 2nd levy recovery letter 90 days after the levy due date (Levy Recovery Step 3) and where the debt is in excess of \$500.00 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 – Strata Plan No 56106 to issue a letter of demand and/or to commence, pursue, continue or defend any court, tribunal or 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;</p> <p>(d) the strata committee to provide consent for payment plans generally or for specific lot owners;</p> <p>(e) the enforcement of any judgement obtained for the collection of levy contributions including commencing and maintaining bankruptcy or winding up proceedings; and</p> <p>(f) filing an appeal or defending an appeal against any judgement concerning the collection of levy contributions</p>
MOTION 15	PAYMENT PLANS FOR OUTSTANDING LEVY CONTRIBUTIONS	<p>RESOLVED that the Owners Corporation by ordinary resolution in accordance with section 85 (5) of the Strata Schemes Management Act 2015 to authorise the Strata Committee to enter into a payment plan with a lot owner for any unpaid levies on the basis that all outstanding levies are paid within 12 months, and that all future levies are paid as and when they fall due.</p> <p>Should a payment plan be approved, failure by the lot owner to pay future strata levies as and when they fall due, during the approved payment plan period, will deem the payment plan arrangements cancelled by the owners corporation, and all outstanding levy amounts will be due and payable with immediate effect.</p> <p>Any lot owner request for a payment plan is to be supported by the completion of a Statement of Financial Position, and a statement outlining the reasons for the request, which is to include the \$ amount of the payment plan, as well as the payment plan term being requested.</p>
OWNERS CORPORATION GOVERNANCE		
MOTION 16	STRATA COMMITTEE NOMINATIONS	<p>(a) RESOLVED that the following nominations were received given that consent was confirmed:</p> <p>G. Jepson of lot 20 D. Mintern of lot 22 G. Harman of lot 29 D. Bridge of lot 32 L. Merrett of lot 41 J. Merrett of Lot 7</p> <p>(b) RESOLVED that the chairperson closed the nominations</p> <p>(c) After a poll vote was held it was RESOLVED that the number of strata committee members be determined at 5.</p>
MOTION 17	STRATA COMMITTEE ELECTION	<p>RESOLVED that a ballot be held to determine the members given the number of nominations exceeded the number of members decided upon, and the successful candidates were</p> <p>G Jepson of lot 20 D Mintern of lot 22 G Harman of lot 29 L Merrett of lot 41</p>

		J Merrett of Lot 7
MOTION 18	RESTRICTIONS OVER THE STRATA COMMITTEE	RESOLVED that no matters are to be restricted matters. All matters relative to the management of the strata scheme are to be in accordance with the current provisions of the Strata Schemes Management Act 2015 (NSW) and/or future amendments.
MOTION 19	NSW STRATA HUB	RESOLVED that the owners corporation authorise the managing agent to undertake all functions in complying with the owners' corporations obligations under the Strata Schemes Management Amendment (Information) Regulation 2021, this year and on an ongoing basis in accordance with the fees and terms included in the agency agreement
MOTION 20	BY-LAW CCTV RULES	<p>The Owners – Strata Plan No. 56106 SPECIALLY RESOLVED pursuant to sections 141 to 143 of the <i>Strata Schemes Management Act 2015</i> to make an additional by-law in the following terms:</p> <p>Special By-Law No. 31 - Rules Governing the Positioning and Use of Video Surveillance</p> <p>Ownership</p> <ul style="list-style-type: none"> • Footage constitutes a record owned and controlled by Owners Corporation, and kept safe by the Building Manager <p>Use</p> <ul style="list-style-type: none"> • Must be reasonable in the circumstances and balance security issues against privacy rights. • Must be for security purposes only and can be used to enforce by-law breaches involving the security or amenity of residents. • Must only permit surveillance over common property but excludes the inside of private lots, as this could be seen as an unreasonable invasion of privacy. • Visual recording only; no sound or recording of private conversations permitted. <p>Retention Period</p> <ul style="list-style-type: none"> • Retention period no longer than 30 days <p>Access</p> <ul style="list-style-type: none"> • The access policy must be documented and include the process for recording the date, reason and who accessed the footage. • Recordings must be held in a secure area under the control of the Building Manager. • The system must have access control, i.e., Username and Password • Access is restricted to the Building Manager, Strata Manager, any two members of the Strata Committee, or at request from any Law Enforcement Agency. • When a complaint or evidence of an unauthorised entry, theft, damage to common property or threat to the personal safety of any owner, resident or occupier is received. Footage must be available to a lot owner (see Act re access to strata records) on written request to Strata Manager. <p>Positioning of Cameras</p> <ul style="list-style-type: none"> • Must be positioned to cover areas of the common property only and not trespass on private property without the written consent of the owner. • Signage of appropriate size advising that building residents and visitors will be monitored by CCTV at each building entry.

		<ul style="list-style-type: none"> • Signage must properly notify all residents of the areas under video surveillance. • No lot owner or resident is permitted to record the activities of others, either video or sound or photos, without the written consent of the person. <p>The motion was passed unopposed</p>
MOTION 21	SECURITY ISSUES	<p>RESOLVED That the Owners Corporation discuss security issues at the property in relation to motions carried in the Annual General Meeting in 2018.</p> <p>Note: To assist the Building Managers with the security of the property and car parking it was requested that all guests and tradespeople sign in at the office and also make the Building Manager aware if you have any deliveries or visitors.</p>
MOTION 22	DEVELOPMENT APPLICATION AMENDMENT	<p>MOVED to ensure the continuation of current and future owner choice of letting agent, it is proposed to submit an amendment to the original 1993 DA approval, to simply remove the condition of consent relating to a single letting agent.</p> <p>The motion on being put was lost</p>
NEXT MEETING		
MOTION 23	NEXT ANNUAL GENERAL MEETING	<p>RESOLVED that the date, time and location of the next annual general meeting be 27th July 2024 at 10:00am.</p>
CLOSURE		<p>There being no further business the chairperson declared the meeting closed at 12:15pm</p>

MINUTES OF STRATA COMMITTEE MEETING

The Owners – Strata Plan No. 56106

Bay Breeze Resort

1 Trafalgar Street, Nelson Bay

DATE, PLACE AND TIME

The meeting was held immediately following the Annual General Meeting on 29th July 2023

Onsite 1 Trafalgar Street, Nelson Bay.

With Microsoft Teams available

PRESENT: J. Merrett (Lot 7), G. Jepson (Lot 20), L. Merrett (Lot 28), G. Harman (Lot 29).

IN ATTENDANCE: A. Freeman of Strata Plus

Those present determined that Angela Freeman chair the meeting.

The chairperson declared a quorum.

MINUTES

STATUTORY MATTERS		
MOTION 1	ACTING MEMBERS	Motion withdrawn Note: As no acting members were appointed the motion was withdrawn
MOTION 2	CONFIRMATION OF MINUTES	RESOLVED that the minutes of the strata committee meeting held on 17 th November 2022 be confirmed as a true record of the proceedings at that meeting.
MOTION 3	PECUNIARY INTEREST	It was NOTED that the strata committee did not receive any disclosures of pecuniary interest in relation to matters for this meeting.
STRATA COMMITTEE GOVERNANCE		
MOTION 4	OFFICE BEARERS	RESOLVED that the following office bearers be appointed. Chairperson: Graham Harman Secretary: Greg Jepson Treasurer: Graham Harman
MOTION 5	FINANCIAL REPORTS TO TREASURER	RESOLVED that; a) the strata committee confirm that the treasurer be nominated to receive the monthly financial reports. b) the treasurer be added as an external approver to approve all invoices including utilities
MOTION 6	CODE OF CONDUCT	RESOLVED that the attached Code of Conduct be accepted and signed by all members.
	OTHER MATTERS	Nil
MOTION 7	NEXT MEETING	RESOLVED that the date, time and location of the next meeting of the strata committee be immediately following the Annual General Meeting unless otherwise required.
CLOSURE		There being no further business the chairperson declared the meeting closed at 12:30PM