

**The Owners of 147 – 159 Charles Street,
West Perth
Strata Plan 5629**

NOTICE OF ANNUAL GENERAL MEETING

Notice is hereby given that the Annual General Meeting of the above Strata Company will be held at the offices of Exclusive Strata Management, Suite 17 / 443 Albany Highway, Victoria Park on Tuesday 13th November 2012 commencing at 5.30pm.

Registration from 5.15pm.

This notice is issued pursuant to the by-laws of the strata company, on 17th October 2012 being not less than 14 days prior to the holding of the meeting.

The attention of proprietors is drawn to the following documents enclosed with this combined notice and agenda for this meeting:

- 1. Statement of accounts for period 01/10/11 to 30/09/12.*
- 2. Annual report of the Council.*
- 3. Documentation for matters requiring a Unanimous, without Dissent or Special resolution.*
- 4. Copy of certificate of currency, important insurance information and Strata Company Manager's disclosure statement*
- 5. Budget of estimated expenditure from the Administrative Fund and provision for Reserve Fund for period 01/10/12 to 30/09/13.*
- 6. Forms of specific and enduring proxy*
- 7. Information in respect to nomination and election of members of the Council*

Signature of person issuing this notice.....Date...../...../.....

Laura Chapman on behalf of Exclusive Strata Management

PRELIMINARY MATTERS

Registration of proprietors and proxy holders

Verification of valid proxies received

Verification of those eligible to vote and personally present

Record those present by invitation

Record any apologies received

Confirmation by the Council Chairman or Secretary of an enabling quorum being present, that the meeting is properly constituted and may proceed to the conduct of business.

(Or that it is adjourned one week hence)

Meeting Agenda

- 1. Appointment of chairperson for the meeting.**
-Only required if the Chairman of the Council is unavailable or unwilling to act.
- 2. Confirmation of previous minutes.**
-Minutes of the last general meeting have previously been distributed to proprietors.
 - (a) Motion under notice –**
That the previously circulated minutes of the General Meeting held on 30/07/12 be confirmed as a true record of those proceedings.
 - (b)** Consideration of any matters arising not otherwise provided for by this agenda.
- 3. Consideration of Statement of Accounts**
-A copy of which is attached to this notice.
(Questions of a financial nature should be notified to the strata company not later than 3 business days prior to the meeting.)
Motion under notice –
That the Statement of accounts for the period 01/10/11 to 30/09/12 showing an amount of \$54,162.52 net owners' funds, be adopted as presented.
- 4. Constitution of the Council.**
 - 4.1 Motion under notice –**
That the Council of the Strata Company consist of 5 proprietors.
 - 4.2** Chairman to call for nominations of candidates for election to the Council;

And, if required will,
 - 4.3** Conduct a ballot to elect members of the Council.

SPECIAL BUSINESS

- 5. Annual report of the Council**
-A copy of which is attached to this notice.
Motion under notice –
That the annual report of the **Council** be received.

6. Changes to Schedule 1 by-laws.

Motion under notice:

That by resolution without dissent the by-laws in Schedule 1 to the Strata Titles Act, 1985, as they apply to the strata company are (*amended, added to or repealed as is appropriate*) as follows:

6.1 Electronic Council Meetings

Motion under notice

That by Resolution Without Dissent the by-laws in Schedule 1 to the Act as they apply to the strata company be added to as follows:

New Schedule 1 by-law 8(2)(d)

8(2)(d) The Council may, by agreement of an absolute majority of its members, conduct a meeting of the Council by telephone, audio-visual or other agreed electronic means or any combination of these by which continuous communication is maintained between such of its members as constitutes a quorum under the by-laws.

6.2 Penalty for breach of by-law

Motion under notice

That by Resolution Without Dissent the by-laws in Schedule 1 to the Act as they apply to the strata company be added to as follows:

New Schedule 1 By-law 16

16. Penalty for breach of by-law

Pursuant to Section 42A(1) and subject to section 42A(2) of the Act, the penalty for a breach of any provision of any Schedule 1 by-law or any Schedule 2 by-law shall be \$500 or such greater amount as may from time to time be prescribed as the maximum amount for the purposes of section 42A or section 103I.

6.3 Service of notices and documents

Motion under notice

That by Resolution Without Dissent the by-laws in Schedule 1 to the Act as they apply to the strata company be added to as follows:

New Schedule 1 By-law 17

17. Service of notices and documents

17.1 Pursuant to section 125 and the *Electronic Transactions Act 2003* (WA) notices and documents, including but not limited to notices and minutes of general meetings, notices of infringement of by-laws and invoices, may be served by the strata company by email or by other electronic means on any proprietor who has given written consent to that method of service.

17.2 The proprietors acknowledge that the Act obliges the strata company to allow any qualified applicant to inspect and obtain copies of all records relating to those notices and documents and their service on any proprietor.

6.4 Consent or approval of Strata Company or council

Motion under notice

That by Resolution Without Dissent the by-laws in Schedule 1 to the Act as they apply to the strata company be added to as follows:

New Schedule 1 By-law 18

18. Consent or approval of strata company or council

18.1 If the consent or approval of the Strata Company or council is requested pursuant to the Act or the by-laws, the strata company or the council, as the case may be, may refuse that request, grant that request or grant that request on such terms as it shall reasonably determine.

18.2 If the consent or approval of the Strata Company or council is required pursuant to the Act or the by-laws, that consent or approval shall only be taken to have been given if it is given in writing.

7. Changes to Schedule 2 by-laws.

Motion under notice:

That by special resolution the by-laws in Schedule 2 to the Strata Titles Act, 1985, as they apply to the strata company are (*amended, added to or repealed as is appropriate*) as follows:

7.1 Vehicles and parking

Motion under notice

That by Special Resolution the by-laws in Schedule 2 to the Act as they apply to the strata company be amended/repealed/added to as follows:

By-law 1 is repealed and new by-law 1 is inserted in its place

New Schedule 2 By-law 1

1. Vehicles and Parking

1.1. A proprietor, occupier and other resident shall not allow or cause any vehicle to park or stand:

1.1.1. on any part of the common property without the consent of the strata company;

1.1.2. in such a position where it is likely to be a nuisance or obstruct access to or egress from any car parking area; nor

1.1.3. on the parcel if its length or width exceeds the marked limits of the designated car bay on the parcel.

1.2. A proprietor, occupier or other resident shall not:

1.2.1. cause or permit a vehicle to park or stand on any area marked as visitor parking;

1.2.2. grant any lease, licence or other occupancy right over any part of their lot or the common property used for parking to any person who is not a proprietor or occupier of a lot;

- 1.2.3. allow or cause any caravan, camper van, trailer or marine craft to be brought or kept on the parcel;
- 1.2.4. drive any vehicle at more than 10 km/h on the parcel;
- 1.2.5. conduct repairs on or restoration to any vehicle on any part of the parcel, other than for the purpose of removing it from the parcel;
- 1.2.6. use a designated parking bay for any purpose other than parking one vehicle; and
- 1.2.7. on any part of their lot intended for use as a car bay:
 - 1.2.7.1. erect any form of structure;
 - 1.2.7.2. store any commercial, household, recreational or other goods; or
 - 1.2.7.3. allow any accumulation of rubbish.

7.2 Signs

Motion under notice

That by Special Resolution the by-laws in Schedule 2 to the Act as they apply to the strata company be amended as follows:

By-law 7(b) is repealed and new by-law 7(b) is inserted in its place

New Schedule 1 By-law 7(b)

7(b) A proprietor, occupier or other resident shall not, except with the consent of the strata company, display any sign, any 'for sale', 'to let' or any other advertising, placard, banner, pamphlet or like matter on the parcel.

7.3 Nuisance

Motion under notice

That by Special Resolution the by-laws in Schedule 2 to the Act as they apply to the strata company be added to as follows:

New Schedule 2 By-law 17.

17. Nuisance

17.1 A proprietor, occupier and other resident shall not allow or cause:

- 17.1.1 the volume of musical instruments, radios, sound systems, televisions and the like to be at a level;
- 17.1.2 any loud or objectionable noise to be made within the parcel;
- 17.1.3 any noxious odours; and
- 17.1.4 any activity upon the parcel,

that may interfere with the peaceful enjoyment of or cause a nuisance to another proprietor, occupier or other resident;

17.2 A proprietor, occupier and other resident shall not allow or cause horns, whistles, bells or other sound devices (other than security and warning devices used exclusively for that purpose), noisy or smoky vehicles, power equipment or power tools or items which interfere with television or radio reception to be conducted, located, used or placed on the parcel, without the consent of the strata company.

17.3 A proprietor, occupier and other resident shall not allow or cause any fire to be lit on the parcel including, but not limited to, fires used for heating, wood fired pizza ovens, burning of garden or other rubbish.

7.4 Alcohol, tobacco and drugs

Motion under notice

That by Special resolution the by-laws in Schedule 2 to the Act as they apply to the strata company be added to as follows:

New Schedule 2 By-law 18

18. Alcohol, tobacco and drugs

18.1 Pursuant to section 42(1)(c) and Item 7 Schedule 2A of the Act and for the benefit of all the proprietors, occupiers and other residents, a proprietor, occupier or other resident shall not allow or cause the:

18.1.1 sale or consumption of alcohol; or

18.1.2 sale or use of any tobacco product,

on the common property and will take all reasonable steps will to ensure their visitors comply with this by-law.

18.2 Pursuant to section 42(1)(c) and Item 7 Schedule 2A of the Act and for the benefit of all the proprietors, occupiers and other residents, a proprietor, occupier or other resident shall take all reasonable steps to ensure that the:

18.2.1 consumption of alcohol; or

18.2.2 use of any tobacco product,

on the lot does not interfere with the peaceful enjoyment of or cause a nuisance to another proprietor, occupier or other resident.

18.3 Pursuant to section 42(1)(c) and Item 7 Schedule 2A of the Act and for the benefit of all the proprietors, occupiers and other residents, a proprietor, occupier or other resident shall not allow or cause the sale or use of any drug prohibited by law on the parcel and will take all reasonable steps to ensure their visitors comply with this by-law.

8. Insurance

-Copy of certificate of currency, important insurance information and Strata Company Manager's disclosure statement are enclosed.

Motion under notice-

That the Council be directed to obtain a building replacement valuation and amend the sum insured to the amount of that valuation.

9. Items of business notified or proposed by Council

Motion under notice:

That the council be directed to discuss and approve the following items in accordance to the budget expenditure.

- Video Surveillance: Allow for the use of video surveillance in problem areas (theft/violence/rubbish dumping). Video footage will be made available to all council members and can be made available to owners if requested.
- Permit Parking: Change the visitor parking area to permit parking. This involves modifying signs and supplying permits to residents. There are still issues with outsiders using the visitor parking area when visiting surrounding areas or catching the free transit zone to work in the city.

Please note:

Removal of Personal TV Aerials:

The remainder of the units will be connected to new digital TV reception equipment over the next 6 months. After a unit has been connected, owners are required to remove any personal TV aerials installed in (or attached to) common property. If this is not done within 2 months of installation of the new system, the strata company will arrange removal and will pass charges on to the owner of the associated lot.

Modifications to Common Property:

Owners are reminded that ANY modifications to common property must be approved in writing by the strata council, this includes any modifications to the plumbing ducts or hot water systems. Owners are also reminded that if approvals have been granted for modifications in the past, any replacement or upgrades of modified items must be re-approved. Note that common property includes: external walls/windows/doors, the entire balcony area, walkways and the entire plumbing duct.

Electric Hot Water Systems:

Due to limitations in the electrical supply to the building electrical hot water systems are not permitted to be installed, if electrical systems have been approved by the strata company in the past, they may not be replaced and must be converted to gas. The strata company has investigated the option of upgrading the power supply to the complex and all units and found this to be extremely expensive and cost prohibitive.

- 10. Consideration of budget of estimated expenditure from the Administrative Fund.**
(A copy of which is attached to this notice)

Motion under notice –

That the budget of estimated expenditure from the Administrative Fund GST inclusive for the period 01/10/12 to 30/09/13 amounting to \$177,430.00 be adopted.

- 11. Transfer of reserve funds.**

Motion under notice –

That the Council be authorised to transfer funds to a maximum of \$14,000 from the Reserve Fund to the Administrative Fund as may be required to meet the cost of unforeseen expenses.

- 12. Determination of the levy of contributions for the period 01/01/13 to 31/12/13**

Motion under notice –

That the levy of contributions on proprietors for the Administrative Fund be payable in advance, inclusive of GST, by instalments due and payable in the amounts and on the dates as shown below:

\$125.00 per unit entitlement	1 st January	2013,
\$125.00 per unit entitlement	1 st April	2013,
\$125.00 per unit entitlement	1 st July	2013,
\$125.00 per unit entitlement	1 st October	2013,

to raise a total of \$88,350.00 in the financial year,

and,

that the special levy of contributions on proprietors for the Administrative Fund be payable in advance, inclusive of GST, by instalments due and payable in the amounts and on the dates as shown below:

\$10.00 per unit entitlement	1 st January	2013,
\$10.00 per unit entitlement	1 st April	2013,
<u>\$10.00 per unit entitlement</u>	<u>1st July</u>	<u>2013,</u>
\$10.00 per unit entitlement	1 st October	2013,

to raise a total of \$5,580 for the purpose of letterbox replacement/upgrade.

and,

that the levy of contributions on proprietors for the Reserve Fund be payable in advance, inclusive of GST, by instalments due and payable in the amounts and on the dates as shown below:

\$5.00 per unit entitlement	1 st January	2013,
\$5.00 per unit entitlement	1 st April	2013,
<u>\$5.00 per unit entitlement</u>	<u>1st July</u>	<u>2013,</u>
\$5.00 per unit entitlement	1 st October	2013,

to raise a total of \$3,906.00 in the financial year.

13. Next AGM

Motion under notice –

That the next AGM be held on 8th November 2013 at ESM commencing at 5.30pm.

14. Matters without notice for discussion and referral to the Council.

Note: Such matters may only be raised at the discretion of the Chair and with leave of the meeting.

15. Close of meeting.

**The Owners of 147 – 159 Charles Street, West Perth
Strata Plan 5629**

**Proxy Form for the General Meeting
To Be Held On Tuesday 13th November 2012**

Please read the important notes below before completing this form

I/We, _____

being the proprietor/s of lot number/s _____ hereby appoint:

(*Select only one of the below options by deleting the other two options.)

***Option 1**

Name of proxy holder _____ or, failing his/her
attendance at the general meeting, the Chairperson of the general meeting, **OR**,

***Option 2**

The Chairperson of the general meeting only, **OR**,

***Option 3**

Name of proxy holder _____ only.

to speak and act as my/our proxy holder and to vote for me/us in my/our name at the general meeting to be held on 13/11/12 *and at any adjournment of that meeting*.

Dated this _____ day of _____ 20__

Signature of **sole** proprietor

or **all** co-proprietors

_____ Proprietor

_____ Co-Proprietor

_____ Co-Proprietor

_____ Co-Proprietor

Section Below For Use Only by a Corporate Proprietor

In the case of an **incorporated proprietor**, this form requires the signature of a duly authorised person authorised to sign by its constitution.

Director/Secretary/Attorney/Officer/Agent (Delete those not applicable)

IMPORTANT NOTES

- 1 Any natural person can hold a proxy form. That person does not have to be a proprietor.
- 2 An incorporated proprietor should appoint a natural person as its proxy holder if it intends to vote.
- 3 Except in the case of a unanimous resolution, co-proprietors of a lot (e.g. husband and wife) may **only** vote on a show of hands if a proxy form has been completed by **all** co-proprietors appointing one person to vote for them.
- 4 If possible, please complete and return the proxy form to the strata manager well before the general meeting and confirm its safe receipt. Fax: (08) 9362 1133 or email: info@exclusivestrata.com.au
- 5 If you want to revoke this proxy form, please give notice of revocation to the proxy holder and the strata manager.
- 6 An incorrectly completed proxy may result in the proxy being invalid.

**The Owners of 147 – 159 Charles Street, West Perth
Strata Plan 5629**

Enduring Proxy Form for General Meetings

Please read the important notes below before completing this form

I/We, _____

being the proprietor/s of lot number/s _____ hereby appoint:

(*Select only one of the below options by deleting the other two options.)

***Option 1**

Name of proxy holder _____ or, failing his/her attendance at the general meeting, the Chairperson of the general meeting, **OR**,

***Option 2**

The Chairperson from time to time of general meetings of the strata company, **OR**,

***Option 3**

Name of proxy holder _____ only.

to speak and act as my/our proxy holder and to vote for me/us in my/our name at all general meetings of the Strata Company until this enduring proxy is revoked.

Dated this _____ day of _____ 20__

Signature of **sole** proprietor

or **all** co-proprietors

_____ Proprietor

_____ Co-Proprietor

_____ Co-Proprietor

_____ Co-Proprietor

Section Below For Use Only by a Corporate Proprietor

In the case of an **incorporated proprietor**, this form requires the signature of a person duly authorised to sign by its constitution.

Director/Secretary/Attorney/Officer/Agent (Delete those not applicable)

IMPORTANT NOTES

- 1 Any natural person can hold a proxy form. That person does not have to be a proprietor.
- 2 An incorporated proprietor should appoint a natural person as its proxy holder if it intends to vote.
- 3 Except in the case of a unanimous resolution, co-proprietors of a lot (e.g. husband and wife) may **only** vote on a show of hands if a proxy form has been completed by **all** co-proprietors appointing one person to vote for them.
- 4 If possible, please complete and return the proxy form to the strata manager well before the general meeting and confirm its safe receipt. Fax: (08) 9362 1133 or email: info@exclusivestrata.com.au
- 5 If you want to revoke this proxy form, please give notice of revocation to the proxy holder and the strata manager.
- 6 An incorrectly completed proxy may result in the proxy being invalid.
- 7

**The Owners of 147 – 159 Charles Street, West Perth
Strata Plan 5629**

(Please read the notes below)

Nomination for Election to Council - AGM 2012

Proprietor/s nominating him or herself, a co- proprietor, or, in the case of a Corporate proprietor, itself.

The Chairman

The Owners of 147 – 159 Charles Street, West Perth Strata Plan 5629

I/we being the Proprietor/Co-proprietors of lot ____ hereby nominate (please print)

.....(name of the person or corporate proprietor who is being nominated) as a candidate for election to the Council at the Annual General Meeting of the Strata Company to be held on 13/11/12

Name/s of nominator/s (please print):

Signature/s of nominator/s:

**Director/Secretary/Attorney/Officer/Agent*

(*In the case of an incorporated proprietor, the nominator should delete those not applicable:)

Dated: _____

Consent to Nomination for Election to Council

I/we hereby advise that I/we consent to being nominated as a candidate for election to the Council of the Strata Company at the Annual General Meeting to be held on 13/11/12 and, if elected, to serve as a member of the Council.

Name of nominee: _____ (Please print) of lot: _____

Signature of Nominee: _____ Dated: _____

**Director/Secretary/Attorney/Officer/Agent*

(*In the case of an incorporated proprietor, the nominator must delete those not applicable:)

This form must be in the hands of the Chairperson of the Annual General Meeting prior to the close of nominations for that election.

(In the case of an individual natural person being the lot proprietor written consent is only required if the candidate is not personally present at the meeting.

In the case of co-proprietors of a lot the nomination must be in favour of one co-proprietor and signed by all co-proprietors including the nominee.

If the candidate is a corporation the nomination and acceptance must be in writing signed by a properly authorised person.)

**Attachment to Insurance Schedule and provided with the notice of
Annual General Meeting to be held on Tuesday 13th November 2012**

**Exclusive Strata Management
Insurance requirements and important information for Strata Plan 5629**

Your strata company is required to comply with various insurance provisions of the *Strata Titles Act, 1985 (WA)* (“Act”). Sections 53 to 59 of the Act set out the full insurance requirements. These requirements are insured under the current policy, details of which are shown on the attached Insurance Schedule issued by the insurer.

In the case of the sum insured in respect of buildings this must be for the replacement value as defined by the Act. We recommend that an independent valuation be carried out at a minimum of three yearly intervals to ensure that this cover is kept in line with current and projected building replacement costs.

In the case of public liability risks the minimum amount under the Act is \$5 million. Many strata companies now insure for a minimum of \$20 million in residential schemes and as much as \$50 million where there is any commercial use of lots or common property.

- A. We also suggest that every strata company effects insurance in respect to possible liability under the *Workers Compensation and Injury Management Act 1981* and your strata company has insured against such a risk.

The strata company has the discretionary power to further insure for other risks such as personal accident for voluntary workers, fidelity guarantee, office bearer’s liability, machinery breakdown, catastrophe cover government audit costs, and proprietors fixtures and improvements.

The enclosed insurance schedule will show which risks have been selected as currently insured and the sum insured where that is applicable.

General Advice Warning

The above information is not personal advice. This advice is general advice and before a decision is made to insure, the Product Disclosure Statement should be carefully reviewed. The strata company has been provided with a copy of the relevant CHU Financial Services Guide and Product Disclosure Statement and these are held as part of the records of the strata company and are open to personal inspection by proprietors pursuant to section 43 of the Act.

Exclusive Strata Management are authorised to give General Advice and information about insurance, but not Personal Advice. If the strata company requires specialist insurance advice we can refer it to an insurance advisor or CHU. If we recommend that your insurance be placed with CHU the strata company acknowledges and agrees that the recommendation is General Advice and not Personal Advice

Disclosure of our relationship and commissions received

Exclusive Strata Management are Authorised Representative No: 269635 of CHU Underwriting Agencies and an agent of the insurers, QBE Insurance (Australia) Limited and QBE Workers Compensation (NSW) Limited. CHU Underwriting Agencies Pty Ltd is a specialist strata and community title insurance intermediary and holds an Australian Financial Service License (AFS License No: 243261) with the authority to advise, deal and issue general insurance products.

As your Strata Manager we act as Agent of CHU for arranging the insurance and receive a commission. This commission does not affect the premium you pay to the insurer.