

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

MINUTES OF THE ANNUAL GENERAL MEETING

**Held at the office of Exclusive Strata Management,
Suite 15, 443 Albany Highway, Victoria Park
on Tuesday 13th November 2012 at 5.30pm**

PRESENT

| | | |
|-------------------|----------------|----------------|
| Andrea Bowden | Sheki Tanascev | Saxon Mailey |
| Jenni Millington | Tony Green | Brooke Hobson |
| Danny Hawkins | Ian Heath | Maree Heath |
| Richard Kosovich | Sandra Botica | Rebecca Lawson |
| Sebastian Douglas | Rachel Riley | |

BY INVITATION

Laura Chapman representing Exclusive Strata Management (**ESM**)

APOLOGIES

Nil

PROPRIETORS PRESENT OR REPRESENTED BY PROXY

| Lot | Proprietor | Represented by | Proxy and/or Proprietor |
|-----|---------------------------------|---------------------|-------------------------|
| 1 | Mr S Mailey | Saxon Mailey | Proprietor |
| 3 | Mr D, Mr T, Mr G & Mrs E Browne | Sheki Tanascev | Proxy/Proprietor |
| 4 | Ms J Millington | Jennifer Millington | Proprietor |
| 6 | Mr J Daebritz | Chairman | Proxy |
| 7 | Mrs C Chapman | Chairman | Proxy |
| 9 | Mr A Smith | Chairman | Proxy |
| 11 | Mr J Sloan | Chairman | Proxy |
| 12 | State Housing Commission | Tony Green | Proxy |
| 13 | Mr S Tanascev & Mrs K Tanasceva | Sheki Tanascev | Proxy/Proprietor |
| 14 | Mr I & Mrs M Heath | Ian Heath | Proxy/Proprietor |
| 15 | Ms J Minas | Chairman | Proxy |
| 16 | Ms S Botica | Sandra Botica | Proprietor |
| 18 | State Housing Commission | Tony Green | Proxy |
| 21 | Mr S Allam & Ms S Saleh | Chairman | Proxy |
| 22 | Mr S Saunders | Saxon Mailey | Proxy |
| 23 | Mr P & Mrs J Smith | Chairman | Proxy |
| 24 | Mr D Hawkins | Danny Hawkins | Proprietor |
| 25 | Mr L Chan | Chairman | Proxy |
| 26 | Mr R Kanter | Saxon Mailey | Proxy |
| 29 | Mr S Allam & Ms S Saleh | Chairman | Proxy |
| 32 | Ms B Hobson | Brooke Hobson | Proprietor |
| 33 | Mr P Wakefield & Ms A Bowden | Andrea Bowden | Proxy/Proprietor |
| 34 | Mr S Allam & Ms S Saleh | Chairman | Proxy |

| | | | |
|----|-------------------------------|------------------|------------------|
| 36 | Mr S Clarkin | Saxon Mailey | Proxy |
| 39 | Mr R Kosovich & Ms M Nyunt | Richard Kosovich | Proxy/Proprietor |
| 42 | Ms E Foston | Chairman | Proxy |
| 46 | Mrs D Gilbert | Saxon Mailey | Proxy |
| 47 | Mr D & Mrs T Browne | Sheki Tanascev | Proxy |
| 48 | Mr S Saunders | Saxon Mailey | Proxy |
| 49 | Ms D Wilson | Saxon Mailey | Proxy |
| 51 | Mr S Allam & Ms S Saleh | Chairman | Proxy |
| 54 | Mr J Jurkov | Saxon Mailey | Proxy |

It being confirmed by the Strata Manager of an enabling quorum being present, the meeting is properly constituted and may proceed to the conduct of business. The meeting is declared open at 5.35 pm.

1. Appointment of Chairman for the Meeting

It was resolved on a motion proposed by Tony Green that Laura Chapman be appointed as chairman of the strata company for the purpose of this meeting.

2. Confirmation of previous minutes

It was resolved on a motion proposed by Saxon Mailey and seconded by Andrea Bowden that the previously circulated minutes of the General Meeting held on 30th July 2012 be confirmed as a true record of those proceedings.

Matters Arising from the Previous Meeting

Nil.

3. Consideration of Statement of Accounts

It was resolved on a motion proposed by Saxon Mailey and seconded by Danny Hawkins that the statement of accounts for the period 01/10/11 to 30/09/12 showing an amount of \$54,162.52 net owner's funds, be adopted as presented.

4.1 Constitution of the Council

It was resolved on a motion proposed by Saxon Mailey and seconded Danny Hawkins by that the Council of the Strata Company consists of 5 proprietors.

4.2 The following candidates were nominated:

- Danny Hawkins
- Saxon Mailey
- Sean Saunders
- Jennifer Millington
- Brooke Hobson

The above 5 candidates were declared duly elected to the Council.

5. Annual report of the Council

It was resolved on a motion proposed by Richard Kosovich and seconded by Tony Green that the annual report of the Council be received.

Prior to putting the following motions to the meeting the Chairman confirmed that sufficient notice of the motions had been given and that a sufficient quorum was present at the time of voting.

6. Changes to Schedule 1 By-Laws

6.1 Electronic Council Meetings-

It was proposed by Tony Green and seconded by Danny Hawkins 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.

The following lots voted in favour of the resolution: 33, 1, 4, 12, 18, 32, 34, 24, 14, 39, 16, 52, 22, 26, 36, 46, 48, 49, 54.

The following lots voted against the resolution: 3, 13, 47

There being dissenting votes the chairman declared the Resolution Without Dissent failed.

6.2 Penalty for breach of by-law

It was proposed by Saxon Mailey and seconded by Andrea Bowden 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.

The following lots voted in favor of the resolution: 33, 1, 4, 12, 18, 32, 24, 14, 39, 16, 52, 22, 26, 36, 46, 48, 49, 54.

The following lots voted against the resolution: 3, 4, 12, 13, 18, 24, 32, 47.

There being dissenting votes the chairman declared the Resolution Without Dissent failed.

6.3 Service of notices and documents

It was resolved on a motion proposed by Danny Hawkins and seconded by Tony Green 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.

The following lots voted in favour of the resolution. 1, 3, 4, 6, 7, 9, 11, 12, 13, 14, 15, 16, 18, 21, 22, 23, 24, 25, 26, 29, 32, 33, 34, 36, 39, 42, 46, 47, 48, 49, 51, 54.

There were no dissenting votes the chairman declared the resolution to have passed as a Resolution Without Dissent.

6.4 Consent or approval of Strata Company or council

The following motion was proposed by Saxon Mailey and seconded by Jennifer Millington 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.

The following lots voted in favour of the resolution: 34, 33, 1, 4, 12, 18, 32, 34, 24, 14, 39, 16, 52, 2, 26, 36, 46, 48, 49, 54.

The following lots voted against the resolution: 13, 3, 47

There being dissenting votes the chairman declared the Resolution Without Dissent failed.

7. Changes to Schedule 2 by-laws.

That by special resolution the by-laws in Schedule 2 to the Strata Titles Act, 1985, as they apply to the strata company are as follows:

7.1 Vehicles and parking

It was resolved on a motion proposed by Tony Green and seconded by Andrea Bowden that by Special Resolution the by-laws in Schedule 2 to the Act as they apply to the strata company be 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.

The following lots voted in favour for the resolution: 1, 4, 12, 14, 18, 22, 24, 26, 32, 33, 36, 46, 48, 49, 54, 34, 39, 16.

The following Lots voted against the resolution: 3, 13, 47.

The Chairman declared the Special Resolution to have passed.

7.2 Signs

It was resolved on a motion proposed by Saxon Mailey and seconded by Danny Hawkins 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 2 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.

The following lots voted in favour of the resolution: 1, 3, 4, 10, 13, 14, 12, 22, 24, 26, 32, 36, 46, 48, 49, 54, 33.

The following Lots voted against the resolution: 12, 18, 39, 16, 20.

The Chairman declared the Special Resolution to have passed.

7.3 Nuisance

It was resolved on a motion proposed by Saxon Mailey and seconded by Danny Hawkins 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.

The following lots voted in favour of the resolution.1, 3, 4, 6, 7, 9, 11, 12, 13, 14, 15, 16, 18, 21, 22, 23, 24, 25, 26, 29, 32, 33, 34, 36, 39, 42, 46, 47, 48, 49, 51, 54.

There were no dissenting votes the Chairman declared the Special Resolution to have passed.

7.4 Alcohol, tobacco and drugs

It was resolved on a motion proposed by Saxon Mailey and seconded by Danny Hawkins 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.

The following lots voted in favour of the resolution: 1, 3, 4, 6, 7, 9, 11, 12, 13, 14, 15, 16, 18, 21, 22, 23, 24, 25, 26, 29, 32, 33, 34, 36, 39, 42, 46, 47, 48, 49, 51, 54.

There were no dissenting votes the Chairman declared the Special Resolution to have passed.

8. Insurance

It was resolved on a motion proposed by Saxon Mailey and seconded by Richard Kosovich 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

It was resolved on a motion proposed by Saxon Mailey and Ian Heath 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.

MOTION FAILED

- 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.

MOTION CARRIED

Please note:

Removal of Personal TV Aerials:

The remainder of the units will be connected to new digital TV reception equipment over the next 3 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.

It was resolved on a motion proposed by Tony Green and seconded by Saxon Mailey that the budget of estimated expenditure from the Administrative Fund GST inclusive for the period 01/10/12 to 30/09/13 amounting to \$182,930.00 be adopted.

11. Transfer of reserve funds.

It was resolved on a motion proposed by Richard Kosovich and seconded by Tony Green that the Council be authorized to transfer funds to a maximum of \$14,000.00 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

It was resolved on a motion proposed by Tony Green and seconded by Danny Hawkins that the levy of contributions on proprietors for the Administrative Fund be payable in advance, inclusive of GST, by installments 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, |
| <u>\$125.00 per unit entitlement</u> | <u>1st July</u> | <u>2013,</u> |
| \$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 installments 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 \$5,580.00 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 installments 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

It was resolved on a motion proposed by Saxon Mailey and seconded by Danny Hawkins that the next AGM be held on 12th November 2013 at ESM commencing at 5.30pm.

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

a) Building Replacement Valuation - Council of Owners to investigate the use of a quantity surveyor to perform the replacement building valuation. Council to access

cash flow for valuation to proceed this financial year.

- b) **2012/2013 Budget** – The owner of unit 31 posed some questions about the proposed budget via post. Those items were discussed and those present approved of the proposed budget as outlined in the Notice and Agenda, with no changes.
- c) **AGM Meeting Time** – The starting time of the AGM meeting was discussed by owners present and it was agreed to continue to be held at 5.30pm.

15. Close of meeting.

There being no further business the meeting closed at 7.35 pm.

CHAIRPERSON

DATE

Addendum – Following the meeting, there were no further expressions of support or opposition to the resolutions passed in respect of items 6.3, 7.1, 7.2, 7.3 and 7.4, and these became unconditional on December 12 2012.