

*Strata Schemes Management Act 1996 (NSW)*

**MINUTES OF EXTRAORDINARY GENERAL MEETING**

The Owners – Strata Plan No. 69259

**Mondrian**

2-4 Powell Street, Waterloo

**DATE, PLACE AND TIME**

The meeting was held on Wednesday, 19 November 2013

In the office of Strata Plus Pty Limited

Level 2, 80 Cooper Street Surry Hills

**PRESENT:**

G Lenagham	Lot 10
M Rodgers	Lot 17
M Prill	Lot 18 & 118
E O'Dwyer & N Jones	Lot 19
J O'Connor	Lot 31
B Aitken	Lot 32
V Lalwani	Lot 35
C Geddes	Lot 49
O Diessel	Lot 53
R McIntyre	Lot 55
A Haddadi	Lot 56
J Cohen	Lot 58
NJ Gazzo	Lot 64
K Hannan	Lot 75
K Hill	Lot 76
K Chaitongdee	Lot 96
M Singer	Lot 113
T Haughee	Lot 114
G Suttor	Lot 115
J Hutchinson	Lot 123 & 139
H Pape & R Moore	Lot 129 & 140
C French	Lot 133

**PRESENT BY PROXY:**

S McGrade (Lot 11) proxy to J Hutchinson  
D Mogford (Lot 15) proxy to C French  
J Moulieri (Lot 21) proxy to I Hulme  
T Chen (Lot 23) proxy to J Hutchinson  
R Rigutto (Lot 28) proxy to B Aitken  
A Rowe & C Meadley (Lot 34) proxy to Chairman  
B Prior & K Kelso (Lot 38) proxy to B Aitken  
T Foster (Lot 42) proxy to G Weeks  
D Jasper (Lot 46) proxy to I Hulme  
D Krause (Lot 48, 66 & 102) proxy to L Rigon  
P Cox (Lot 63) proxy to C French  
G Packham (Lot 73) proxy to J Hutchinson  
V Lee (Lot 79) proxy to J Hutchinson  
D La (Lot 82) proxy to J Hutchinson

**PRESENT BY PROXY:** C Tuan (Lot 88) proxy to L Rigon  
 (CONTINUED) L Porter (Lot 93) proxy to L Rigon  
 Y Luo (Lot 94) proxy to J Hutchinson  
 A & K Huber (Lot 109) proxy to J Hutchinson  
 B & T Friscic (Lot 112) proxy to L Rigon  
 V Ryan (Lot 117) proxy to B Aitken  
 M Coulter (Lot 125) proxy to L Rigon  
 E Fabbro (Lot 137) Proxy to L Rigon

**IN ATTENDANCE:** I Hulme Lot 21 & 46  
 G Weeks Lot 42  
 D Stubbing-Hill Lot 47  
 L Rigon Lot 48, 66, 88, 93, 102, 112, 125 & 137  
 M Brindley Lot 133  
 A Lenton Strata Plus Pty Limited  
 D Ferguson Strata Plus Pty Limited (Left Meeting at 7.22 pm)  
 E Higgins Strata Plus Pty Limited

Those present determined that John Hutchinson chair the meeting.  
 The chairperson declared a quorum.  
 The meeting commenced at 6.15 pm.

**MINUTES**

<b>STATUTORY MATTERS</b>		
<b>MOTION 1</b>	<b>MINUTES</b>	RESOLVED that the minutes of the previous general meeting held on 28 August 2013 be confirmed as a true record and account of the proceedings at that meeting.
<b>FINANCIAL MATTERS</b>		
<b>MOTION 2</b>	<b>FINANCIAL STATEMENTS</b>	RESOLVED that the financial statements for the period ended 31 October 2013 be adopted.  The Strata Managing Agent was instructed to display the financial statements for the period ended 31 October 2013 in the secured log in section of the Strata Plus website.
<b>MOTION 3</b>	<b>EXPENDITURE V BUDGET</b>	RESOLVED that in accordance with Section 80A of the <i>Strata Schemes Management Act 1996 as amended</i> , the Owners Corporation removes the limitation relating to expenditure in excess of 10% about budget on any item or matter.
<b>APPOINTMENT OF BUILDING MANAGER</b>		
<b>MOTION 4</b>	<b>BUILDING MANAGEMENT TENDERS</b>	RESOLVED that the Owners Corporation noted the tender process conducted for the appointment of a new Building Manager and confirms the appointment as Building Manager of ABMS Pty Ltd as the Executive Committee’s preferred tenderer to commence duties from 1 December 2013.  J Hutchinson advised the owners that the was no term agreement and that they will be engaging ABMS Pty Ltd on a work order basis to allow flexibility of duties. There was discussion that took place relating to flexibility and contractual agreements in terms of quality control. It was NOTED that the owners trusted the Executive Committee to act in the best interest of the Owners Corporation and confirmed the appointment of ABMS Pty Ltd.
<b>MOTION 5</b>	<b>BUILDING MANAGER APPOINTMENT</b>	An amendment to the motion was moved that:  “ (b) <i>The delegation to the Building Manager is to be subject to the conditions and limitations proposed by the Executive Committee; and</i> ”

		<p style="text-align: right;">AMENDMENT RESOLVED</p> <p>RESOLVED that the Owners Corporation of <b>Strata Plan No. 69259</b>:</p> <p>(a) Appoints a Building Manager;</p> <p>(b) The delegation to the Building Manager is to be subject to the conditions and limitations proposed by the Executive Committee; and</p> <p>(c) The Owners Corporation execute the Agreement to give effect to this appointment and delegation; and</p> <p>(d) Authority be given for the common seal of the Owners Corporation to be affixed to the Agreement by the Strata Managing Agent.</p> <p style="text-align: right;">MOTION RESOLVED</p>
<b>POOL RENOVATIONS &amp; LANDSCAPING</b>		
<b>MOTION 6</b>	<b>COMMON PROPERTY CHANGE</b>	<p>An amendment to the motion was moved that:</p> <p><i>“The following motion requires a special resolution.</i></p> <p><i>That pursuant to Section 65A of the Strata Schemes Management Act 1996 the Owners Corporation be authorised to make any changes to common property that are required for replacing the plantings and re-landscaping the area adjacent to the pool and the rubber trees at the western end.”</i></p> <p>There was discussion took place regarding the decking at the eastern end and it was raised that the owners would like to see what is proposed for the decking around the pool before voting on this motion.</p> <p style="text-align: right;">AMENDMENT RESOLVED</p> <p><i>The following motion requires a special resolution</i></p> <p>SPECIALLY RESOLVED that pursuant to Section 65A of the Strata Schemes Management Act 1996 the Owners Corporation be authorised to make any changes to common property that are required for replacing the plantings and re-landscaping the area adjacent to the pool and the rubber trees at the western end.</p> <p style="text-align: right;">MOTION RESOLVED</p> <p style="text-align: right;"><b>VOTES FOR: 47</b></p> <p style="text-align: right;"><b>VOTES AGAINST: 2</b></p>
<b>CHANGE OF BY-LAWS</b>		
<p>Due to the volume of By-Law changes, the following represents the changes only. To see a full copy of the current By-Laws and proposed changes in full (changes shown in blue), please access the Mondrian intranet page accessible via your owner login from the Strata Plus website.</p>		
<b>MOTION 7</b>	<b>BY-LAW 2 – BEHAVIOUR OF OCCUPIERS</b>	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the <i>Strata Schemes Management Act 1996</i> (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>Section 2.1 (d) be amended to read:</p> <p>(d) permit the car parking area of the Building designated for the parking of vehicles and forming part of that owner’s or occupier’s lot to be used for any purpose other than for housing motor vehicles, bicycles and motorcycles; or install</p>

		<p>storage units except as permitted under By-Law 28, or;</p> <p>That existing Section 2.1 (h), be renamed (j) and the following amendments be included as follows. Section 2.1 (h) be added per requirements under recent Strata Law changes:</p> <p>(h) allow cigarette, pipe or cigar smoke to travel or permeate beyond the boundaries of the owner's or occupier's Lot and/or cause nuisance or hazard or otherwise interfere unreasonably with the use and enjoyment of a lot by another resident</p> <p>A new amendment (i) be accepted</p> <p>(i) throw, drop or allow to fall cigarette butts or any other item from a balcony area</p> <p>2.3 (a) be amended to read:</p> <p>(a) play upon any Common Property (except for the Powell Street Lawn and then only under the supervision of a responsible adult);</p> <p style="text-align: right;"><b>VOTES FOR: 49</b> <b>VOTES AGAINST: 0</b> <b>UNANIMOUSLY AGREED</b></p>
<p><b>MOTION 8</b></p>	<p><b>BY-LAW 5 – USE OF LOT</b></p>	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the <i>Strata Schemes Management Act 1996</i> (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>Addition of requirement (d) to Section 5.1 An owner occupier must:</p> <p>(d) only keep furniture on balconies and courtyards that is appropriate for outdoor use</p> <p>Addition of reference points to other By-laws within 5.2 An owner or occupier must not:</p> <p>i. install bars, screens or grilles on the windows or exterior doors of the Lot (refer to By-Law 27);</p> <p>iv. (refer to By-Law 26);</p> <p>The addition of 2 new requirements as follows:</p> <p>5.3 An owner or occupier may install security locks and child window safety devices on exterior windows and doors without prior consent of the Owners Corporation, provided that</p> <p>i. no addition or alteration is made to a door that is the subject of fire regulation.</p> <p>ii. no damage is done to the common property other than the subject windows and doors; and</p> <p>iii. any installation is in keeping with the appearance of the building.</p> <p>5.4 An owner or occupier of a Lot must ensure that the number of persons who occupy that Lot is limited to 2 adults multiplied by the number of bedrooms shown on the building plans (or an authorised renovation) for that Lot.</p> <p style="text-align: right;"><b>VOTES FOR: 48</b> <b>VOTES AGAINST: 1</b></p>

MOTION 9	BY-LAW 7 – WINDOW COVERING	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the <i>Strata Schemes Management Act 1996</i> (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>That the existing condition 7.1 be deleted and replaced as follows:</p> <p>An owner or occupier must ensure that:</p> <p>7.1 (a) Window coverings must be white or off-white in colour and uniform in appearance when viewed from outside the building;</p> <p>(b) No fixed louvres or plantation shutters are installed in a Lot without the prior approval of the Owners Corporation.</p> <p>(c) No natural timber finishes on venetian blinds, louvres and plantation shutters installed in any window or door observable from outside the building.</p> <p style="text-align: right;"><b>VOTES FOR: 46</b> <b>VOTES AGAINST: 3</b></p>
D Ferguson of Strata Plus Pty Limited left the meeting at 7.22 pm.		
MOTION 10	BY-LAW 8 – GARBAGE	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the <i>Strata Schemes Management Act 1996</i> (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>Removal of existing condition (c) and re-number existing condition (d) with (c).</p> <p>That condition 8.2 be re-worded as follows:</p> <p>8.2 An owner or occupier must not:</p> <p>a) leave domestic garbage on the Common Property other than in the designated garbage room</p> <p>b) place any domestic garbage in the bins located on the Powell Street lawn</p> <p>c) deposit items that do not fit in the bins provided in the garbage room or anywhere else on the Common Property.</p> <p>That the following two conditions be accepted.</p> <p>8.3 A owner or occupier must make their own arrangements for the removal of all items that do not fit in the garbage bins provided</p> <p>8.4 An owner is liable for any costs incurred by the Owners Corporation in removing large items of furniture, effects or whitegoods left in the garbage room or anywhere else on the Common Property by that owner or their tenant.</p> <p style="text-align: right;"><b>VOTES FOR: 49</b> <b>VOTES AGAINST: 0</b> <b>UNANIMOUSLY AGREED</b></p>

MOTION 11	BY-LAW 9 – MOVING FURNITURE	<p>An amendment to the motion was moved that:</p> <p><i>“The following motion requires a special resolution.</i></p> <p><i>That, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the Strata Schemes Management Act 1996 (NSW) the Owners Corporation add or amend the by-law as specified below:</i></p> <p><i>That the following additions be included:</i></p> <p><i>9.3 An owner or occupier must arrange for the Building Manager to position lift protection blankets before transporting furniture or other large items in the lift.</i></p> <p><i>9.4 An owner or occupier is liable for any damage caused by transportation of furniture or effects through the Common Property.</i></p> <p><i>9.5 An owner or occupier may only move furniture and household effects in and out of the Building between the hours of 7:30 am and 5.00 pm, seven (7) days a week.”</i></p> <p style="text-align: right;"><b>AMENDMENT RESOLVED</b></p> <p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the Strata Schemes Management Act 1996 (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>That the following additions be included:</p> <p>9.3 An owner or occupier must arrange for the Building Manager to position lift protection blankets before transporting furniture or other large items in the lift.</p> <p>9.4 An owner or occupier is liable for any damage caused by transportation of furniture or effects through the Common Property.</p> <p>9.5 An owner or occupier may only move furniture and household effects in and out of the Building between the hours of 7:30 am and 5.00 pm, seven (7) days a week.</p> <p style="text-align: right;"><b>MOTION RESOLVED</b> <b>VOTES FOR: 49</b> <b>VOTES AGAINST: 0</b> <b>UNANIMOUSLY AGREED</b></p>
MOTION 12	BY-LAW 15 – KEEPING OF ANIMALS	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the <i>Strata Schemes Management Act 1996</i> (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>That the following addition be included under 15.2 as point (a):</p> <p>(a) For dogs, small is defined as an adult being less than 13kg in weight and 40cm in height at the shoulders.</p> <p>That the existing conditions under 15.3 be renumbered 15.4 and that the following be included and numbered as 15.3.</p> <p>15.3 The following animals must not be kept on the lot or common property:</p>

		<p>A. Dogs of a declared dangerous breed Any dog declared under the <i>Companion Animals Act</i> 1998 to be a dangerous dog or any dog that is a restricted dog within the meaning of that Act, or the regulations thereunder.</p> <p>b. Domestic fowl, game birds, cockatoos or large parrots.</p> <p>That the following condition be added to the newly renumbered 15.4 (a).</p> <p>a. Keep the animal leashed and under control at all times when on Common Property (with the exception of the Powell Street lawn and Breezeway, where a dog may be off the leash);</p> <p>That the newly renumbered 15.4 (b) be amended to the following</p> <p>(b) Ensure that all faeces or other animal waste, whether on the Lot or the Common Property is immediately removed and disposed of and that in doing so no faeces or other animal waste is placed in the common property garbage receptacles unless contained within a securely sealed plastic or other impermeable wrapping and in such a manner that no offensive odours escape; and</p> <p>That the existing condition 15.3 (to be renumbered 15.4) (d) be re-numbered (g) and the following conditions be added:</p> <p>(d) Ensure that the animal does not wander on to another Lot or on the Common Property; and</p> <p>(e) Ensure that dogs and cats are appropriately identified by, for example, microchip, tattoo or other appropriate means and registered with City of Sydney Council; and</p> <p>(f) ensure that an appropriate flea and vaccination schedule is maintained in respect of the animal; and</p> <p>(f) Acknowledge that the Owners Corporation may withdraw its consent to keep an animal in the event of a breach of By-Law 15.</p> <p style="text-align: right;"><b>VOTES FOR: 43</b> <b>VOTES AGAINST: 6</b></p> <p>L Rigon raised concerns in relation to 15.4 (a) with the exception of dogs being unleashed on the Powell Street lawn and Breezeway. L Rigon advised that in accordance with the Companion Animals Act, a dog must be leashed in public areas. L Rigon considered these areas of Mondrian a public place. K Hannan challenged L Rigon's assumption and asserted that the Powell Street lawn was private property. The Executive Committee will investigate to confirm if any of the space considered Mondrian private property has been determined "public space" within the terms of the City of Sydney's Companion Animals Act.</p>
MOTION 13	BY-LAW 16 – PLANTER BOXES	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the <i>Strata Schemes Management Act 1996</i> (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>That the existing condition (a) be removed, Existing condition (b) be re-worded as follows:</p> <p>(a) properly maintain the soil and plants in the planter box</p>

		<p>(b) remove any dead or diseased plants</p> <p>(c) ensure no water escapes into the Common Property or another Lot when the plants are being watered.</p> <p style="text-align: right;"><b>VOTES FOR: 49</b> <b>VOTES AGAINST: 0</b> <b>UNANIMOUSLY AGREED</b></p>
MOTION 14	BY-LAW 18 – BUILDING WORKS	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the Strata Schemes Management Act 1996 (NSW) the Owners Corporation add a new by-law to replace By-Law 18 regarding building works.</p> <p style="text-align: right;"><b>VOTES FOR: 49</b> <b>VOTES AGAINST: 0</b> <b>UNANIMOUSLY AGREED</b></p>
MOTION 15	BY-LAW 20 – VISITOR PARKING	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the Strata Schemes Management Act 1996 (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>That the following condition be included:</p> <p>20.2 Visitor parking is reserved for bona fide visitors. Persons residing in the Building for a period in excess of 24 hours are deemed to be residents and not visitors.</p> <p style="text-align: right;"><b>VOTES FOR: 49</b> <b>VOTES AGAINST: 0</b> <b>UNANIMOUSLY AGREED</b></p> <p>It was NOTED that Building 4 has direct access to the basement which was a concern in relation to security and visitor parking in the allocated spaces provided by the Owners Corporation. J Hutchinson advised that this matter will be discussed at an Executive Committee level.</p>
MOTION 16	BY-LAW 27 – GRILLS AND SCREENS	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the Strata Schemes Management Act 1996 (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>By-Law 27: Grilles and Screens:</p> <p>27.1 An Owner or occupier may only install screens or grilles on the windows and doors of the lot with Owners Corporation approval.</p> <p>27.2 Any installation must be in keeping with the appearance of the building</p> <ol style="list-style-type: none"> <li>i. All frames must be powder coated to match existing Mondrian window frames;</li> <li>ii. Screen material must be matt black stainless steel mesh with minimal visual impact over glass area.</li> <li>iii. “Diamond-design” of screen is NOT permitted</li> </ol>



		<p>iv. Panels should be the same size as the existing door/window frames</p> <p>v. Any mid-rail needs to be situated at a height of 900mm from the lower edge of the frame.</p> <p>27.3 Upon seeking the consent of the Owners Corporation an owner may be required to pay a bond not exceeding \$2000 as security for any costs that may be incurred by the Owners Corporation.</p> <p>27.4 Upon completion of the installation, the Owner will be entitled to a refund of the bond deposited by the Owner with the strata managing agent but only if either:</p> <ul style="list-style-type: none"> <li>(i) no damage has been done to the Common Property during the installation</li> <li>(ii) any damage to any part of the Common Property has been rectified by the Owner to the reasonable satisfaction of the executive committee.</li> </ul> <p style="text-align: right;"><b>VOTES FOR: 48</b></p> <p style="text-align: right;"><b>VOTES AGAINST: 1</b></p> <p>There was discussion that took place surrounding the procedure for depositing / refunding the bond to owners and also the amount outlined above. C French confirmed that this by-law stipulates that the bond would not exceed \$2,000 and the correct amount and procedure would be outlined in the 'Mondrian Rules.' It was also NOTED that the Building Manager is required to carry out an inspection to units undertaking works before and after the works have been completed.</p>
<p><b>MOTION 17</b></p>	<p><b>BY-LAW 28 – CAR PARK STORAGE</b></p>	<p><i>The following motion requires a special resolution.</i></p> <p>SPECIALLY RESOLVED that, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the Strata Schemes Management Act 1996 (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>By Law 28: Car Park Storage</p> <p>28.1 An owner or occupier may only install a storage unit in the car park with the Owners Corporation approval</p> <p>28.2 Common property (such as essential services and areas outside of Lot boundary) must not be affected by the installation</p> <p>28.3 Any installation must:</p> <ul style="list-style-type: none"> <li>i. not obstruct periodic cleaning of the car park</li> <li>ii. not compromise access to building services or safety</li> <li>iii. be "The Box Thing" or a comparable storage product.</li> <li>iv. have at least 150mm clearance from the floor</li> <li>v. be installed so that the storage container and vehicles remain within the boundary of the lot</li> <li>vi. not be affixed to Common Property or the building structure</li> <li>vii. not significantly interfere with lighting, and must not interfere with security lighting: and</li> <li>viii. consistent with by-law 14, not store in the storage unit any dangerous or hazardous chemicals other</li> </ul>

		<p>than normal household products, provided that such household chemicals must not be stored in commercial quantities.</p> <p>28.4 Upon seeking the consent of the Owners Corporation an owner may be required to pay a bond not exceeding \$2000 as security for any costs that may be incurred by the Owners Corporation.</p> <p>28.5 Upon completion of the installation, the Owner will be entitled to a refund of the bond deposited by the Owner with the strata managing agent but only if either:</p> <ul style="list-style-type: none"> <li>(iii) no damage has been done to the Common Property during the installation</li> <li>(iv) any damage to any part of the Common Property has been rectified by the Owner to the reasonable satisfaction of the executive committee.</li> </ul> <p>28.6 Maintenance of the storage unit is the responsibility of the owner</p> <p>28.7 (a) The owner or occupier of the Lot on which the storage unit is installed must indemnify and hold the Owners Corporation harmless from and against any loss or damage sustained by the Owners Corporation as a result of the installation and keeping of the storage unit on that owner or occupier's Lot and the storage of goods within that storage unit.</p> <p>(b) The Owners Corporation shall not under any circumstances be liable to the owner or occupier of a Lot on which a storage unit is installed, or to any other owner or occupier, for any loss or damage sustained by that owner or occupier arising out of or as a result of the storage of items in the storage unit.</p> <p>(c) The storage of goods in a storage unit by an owner or occupier is entirely at the risk of that owner or occupier.</p> <p>28.8 The insurance of the storage unit and its contents are the responsibility of the owner or occupier of the Lot on which it is installed.</p> <p>28.9 The Owners Corporation reserves the right to withdraw any approval given and to require the removal of the storage unit if the owner or occupier commits a material breach of this by-law.</p> <p style="text-align: right;"><b>VOTES FOR: 49</b> <b>VOTES AGAINST: 0</b> <b>UNANIMOUSLY AGREED</b></p>
MOTION 18	NEW BY-LAW 29 – SPECIAL USE	<p><i>The following motion requires a special resolution.</i></p> <p>That, for the purpose of the control, management, administration, use or enjoyment of the strata scheme, and according to Section 47 of the Strata Schemes Management Act 1996 (NSW) the Owners Corporation add or amend the by-law as specified below:</p> <p>By-Law 29: Installation of Air Conditioning Servicing Lot 133 (See photos of roof area in Appendix B below)</p> <p>29.1 On the conditions set out in this by-law the owner or owners for the time being (the Owner) of Lot 133 has, and shall have, a special privilege in respect of the common property to install and keep split system air conditioning servicing Lot 133 and a right of exclusive use and enjoyment of that part of the Common Property directly affected by the installation of the split system air conditioning</p>

		<p>incorporating:</p> <ul style="list-style-type: none"> <li>(a) the installation of a condensing servicing the Lot installed on the roof adjacent to the southern terrace of the Lot on the sixth floor of the building; and</li> <li>(b) the drilling of holes in the Common Property walls on the boundaries of Lot 133 for the installation of ducting between the condensing unit and the internal air dispersal units and for the affixing of the internal air dispersal unit to any Common Property wall on the boundary of Lot 133.</li> </ul> <p>29.2 Conditions</p> <p>(a) Prior to Installing Air Conditioner</p> <ul style="list-style-type: none"> <li>(i) If the approval of the City of Sydney Council is required for the installation of the air conditioner, prior to installing the air conditioner the Owner must obtain and provide to the executive committee a copy of that approval.</li> <li>(ii) The Owner must advise the executive committee prior to installing the air conditioner of the details of the air conditioner proposed to be installed including the make, model and the maximum noise output specified for that model by the manufacturer and, if the manufacturer's specifications indicate a maximum noise output greater than that permitted under the Environmental Planning &amp; Assessment Act 1989 or the Regulations thereunder, then the Owner must not install that air conditioner.</li> </ul> <p>(b) Performance of Works</p> <p style="padding-left: 40px;">In installing the air conditioner, the Owner must:</p> <ul style="list-style-type: none"> <li>(i) ensure that the installation is carried out in a good and workmanlike manner by licensed contractors in compliance with the Building Code of Australia and any conditions imposed by the City of Sydney Council and in such a way as to minimise disruption or inconvenience to any owner or occupier of any other Lot in the Scheme;</li> <li>(ii) transport all construction materials, equipment, debris and other material associated with the installation of the air conditioner over Common Property in the manner reasonably directed by the executive committee;</li> <li>(iii) keep all areas of the building outside Lot 133 affected by the works clean and tidy throughout the installation of the air conditioning and remove from the building all debris arising out of the installation of the air conditioning as soon as practicable;</li> <li>(iv) ensure that the installation of the air conditioner does not interfere with or damage the Common Property otherwise than as approved in this by-law or interfere with or damage the property of any other owner and, if any damage does occur, make good that damage within a reasonable period after that damage occurs;</li> <li>(v) if and to the extent that the installation of condenser on the roof interferes with any waterproof membrane or other waterproofing product installed on the roof, ensure that the waterproofing membrane or other waterproofing product is made good and that that part of the roof in which the air conditioning condenser is</li> </ul>
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		<p>installed is rendered water tight.</p> <p>(c) Completion of Installation</p> <p>(i) On completion of the installation of the air conditioner, if the consent of The City of Sydney Council is required for the installation of the air conditioning, the Owner must provide to the executive committee the certificate of the Council that the installation complies with the conditions of any approval given by the Council.</p> <p>(ii) The Owner must ensure that the air conditioner installed on the roof servicing Lot 133 at all times complies with any restrictions on the noise levels generated by split system air conditioners in force under the Environmental Planning &amp; Assessment Act 1989 and the Regulations thereunder.</p> <p>29.3 Liability and Indemnity</p> <p>(a)The Owner is liable for any damage caused to any part of the Common Property or the property of any owner or occupier of a Lot in the Scheme as a result of the installation of the air conditioner and must take all such steps as are necessary to make good that damage within a reasonable time after it has occurred.</p> <p>(b)The Owner must indemnify the Owners Corporation against any loss, damage, cost, charge or expense incurred or sustained by the Owners Corporation or the owner or occupier of a Lot in the Scheme as a result of or arising out of the installation of the air conditioner.</p> <p>(c) The owner is responsible for, and must bear and pay all the costs of, the proper maintenance of the air conditioner and must keep the air conditioner in a state of good and serviceable repair and must renew or replace the air conditioner whenever it becomes worn out or damaged so that it is no longer capable of being operated at all times within the maximum noise output restrictions in force under the Environmental Planning &amp; Assessment Act 1989 and the Regulations thereunder.</p> <p>(d) For the avoidance of doubt, if at any time the air conditioning condenser or internal air dispersal unit installed in Lot 133 generates noise or vibration that is heard or felt beyond the boundary of that Lot and the immediate vicinity of that part of the roof in which the condenser is installed so that it is audible in any other Lot and the level of that noise or vibration is such that it is likely to interfere with the peaceful enjoyment of the owner or occupier of another Lot, the Owner must repair or replace the condenser unit or internal air dispersal unit, as applicable, so that it does not generate noise or vibration beyond the boundary of Lot 133 and the immediate vicinity of that part of the roof in which it is installed and, pending that repair or replacement, the owner of Lot 133 must not operate the air conditioner.</p> <p>(e) The Owner is responsible for maintaining and keeping in a state of good and serviceable repair, that part of the Common Property roof directly affected by the installation of the air conditioning condenser unit.</p> <p>(f) Subject to the preceding paragraph, the Owners Corporation shall remain responsible for the</p>
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		<p style="text-align: center;">maintenance and keeping in a state of good and serviceable repair of the Common Property.</p> <p>29.4 Right to Remedy Default</p> <p>If the Owner fails to comply with any obligation under this by-law, then the Owners Corporation may:</p> <ul style="list-style-type: none"> <li>(a) carry out all work necessary to perform that obligation;</li> <li>(b) enter upon any part of Lot 133 to carry out that work;</li> <li>(c) recover the costs of carrying out that work from the Owner,</li> </ul> <p>and the Owner shall indemnify the Owners Corporation against any legal action or liability flowing from the action of the Owners Corporation pursuant to this clause.</p> <p style="text-align: right;"><b>VOTES FOR: 48</b> <b>VOTES AGAINST: 1</b></p> <p>It was NOTED that the Executive Committee are currently reviewing the application submitted by the owner of Lot 133. J Hutchinson clarified that the space is inaccessible / not visible from outside the Lot. It was further NOTED that the Exclusive Use By-Law remains unless the installation is removed and that the space will not form part of the Lot and remains common property.</p>
<p>A vote of thanks was given to the following people for their efforts:</p> <ul style="list-style-type: none"> <li>• All owners for providing access to their units whilst the fire certifiers carried out the inspections. J Hutchinson advised that 137 of 137 apartments were inspected over the six week period.</li> <li>• B Aitken for arranging the tenders for building management and cleaning.</li> <li>• C French &amp; K Hannan for finalising the proposed change of by-laws.</li> </ul>		
<b>CLOSURE</b>		There being no further business the chairperson declared the meeting closed at 8.02 pm.