

**The Owners Strata Plan 64622**

**Address: ALTAIR, 3 Kings Cross Road, Rushcutters Bay**

**Date 26 February 2018**

**Time: 7.00 pm**

**Location: Holiday Inn, 203 Victoria Street, Potts Point**

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## Minutes of Annual General Meeting

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**PRESENT PERSONALLY:** Cluff (4), Jacobsen (10), Sten & Pront (11 & 145), Kirby (14),  
Bensoussan & Dang (16), Webster & Jones (13), Zordan (20),  
Malasarda (25 & 123), Cutler (36), Brennan (38 & 78), Gardner (41 & 158),  
Lloyd (42), Moses (44), Schmitzer (48), McDougall (50), Scott (57),  
Critharis (72), Tonkin (74), Keats (75), Ford & Wilcox (77), Coulter & Bayes (82),  
Tonkin (85), Pront & Sten (88), Cluff (92), Thiel-Sirett (93), Scott (100 & 144),  
Napier (102 & 168), Rogan & Smith (108 & 151), Zamel (110),  
Brownjohn (119), Saul (120 & 164), Harding (126 & 161),  
Di Bella & Sewell (127 & 166), Wellington (130 & 152),  
Martignoni & Bainbridge (132), Potter (137) and NTG Investment (139 & 140)

**PRESENT BY PROXY:**

To Chairperson/  
R Harding: De Ravin & Montuerto (9), Borlase (15),  
Green & Fitzgerald (40), Seaman (105),  
Croumbie-Brown (113)

To C Ferrier: Ward (18 & 95), Sgambellone (129 & 160),  
Robbins (136 & 156)

To D Saul: Webster & Jones (13), Hobson (26), MacKinnon (96),  
Williams & Thomson (114 & 150)

To A Scott: Nielsen & Trollip (94 & 142), Beck (133 & 153),  
Beck (139, 157 & 169)

To K Wellington: Mercieca (28), Druc (39), Negline (71)

To E Moses: Moddel & Moddel (21), Harris (73)

To M Cluff: Ellis & Cagilaba (84), Moore (125)

To K Harding: Ferrier (135 & 159)

To M Di Bella: Flannigan III (86)

\*voted per requested instruction

To J McDonald\*: Gregory (56), Toolin (128)

**APOLOGY:**

J Toolin, B Hazelton & V Archer, S Harris, C Hobson, A Parkinson, D Moore

**IN ATTENDANCE:**

M Caruana (Building Manager), J McDonald (SC)

**CHAIRPERSON:**

R Harding chaired the meeting.

**1. COMMITTEE REPORT:**

**RESOLVED** that the Strata Committee report as circulated be accepted.

**2. MINUTES:**

**RESOLVED** that the Minutes of the last General Meeting held 27 February 2017 be confirmed as a true and accurate record of the proceedings of that meeting.

**3. ACCOUNTS:**

**RESOLVED** that the audited Financial Statements as supplied be accepted.

**4. INSURANCES:**

**RESOLVED** that the Owners Corporation's insurances as listed be confirmed.

**5. AIRCONDITIONING**

*Following agreement at the 2017 Annual General Meeting the Strata Committee, as requested, researched options that might allow some level of air-conditioning (A/C) in Altair.*

*Three options were put to all Owners in an on-line, non-binding survey to indicate broad owner preferences.*

*The results were*

- **Option One –**

*Maintain the existing power supply (no additional access to A/C) – 42.2%*

- **Option Two –**

*Dedicated Sub-station (universal A/C but Special Levy of \$1.5+?m) – 17.3%*

- **Option Three –**

*Limited A/C (with Special Levy of approx. \$500k) – 40.5%.*

*This is inconclusive, however the SC has abandoned any further research related to Option Two – Dedicated Sub-station.*

*The combined poll results for Option Two and Option Three, which allow some level of A/C, exceed 50%.*

*This suggests that there is support for further work into Option Three which allows limited A/C but this matter remains complex.*

*Any further research will require very large amounts of further work by the Strata Committee – it has already taken nine months (and experts' costs of \$25,000) to develop the three options polled.*

*Strata Choice (the Strata Managing Agent) estimate, from their experience, that to get finalised and settled proposals that could be acted upon by owners to make a specific decision at a General Meeting and for the appropriate authorities to review in relation to gaining approvals for this work could cost over \$100,000. We estimate that even doing preliminary legal, environmental and council research would take a minimum of \$25,000.*

*Any decision to proceed would require a Special Resolution as the installation of the infrastructure and equipment to allow the A/C is a material alteration and addition to the Common Property per s 108 of the Strata Schemes Management Act 2015 where any such action may only be taken if a Special Resolution has first been passed by the Owners Corporation that specifically authorises the taking of the particular action proposed. This type of resolution requires 75% support by Unit Entitlements from the Owners voting at a General Meeting.*

*Bearing in mind the unrecoverable cost in funds and time involved; and also considering that the requirement of 75% approval means that there is a real possibility that a Special Resolution may ultimately not succeed; your Strata Committee has resolved to formally seek approval from the Owners at this General Meeting whether they wish to proceed with this project and to expend the costs involved.*

#### **Discussion to the Motion**

#### **RESOLVED** that:

- a. the Owners require the Strata Committee to further research 'Option Three' known as "Limited A/C" with a view to preparing a sufficiently complete understanding of the cost and issues that the Owners could vote on the matter at a General Meeting to be convened on a date to be determined at the discretion of the Secretary;

#### **AND THAT**

- b. the Owners authorise that the Strata Committee to spend sufficient funds to obtain and present clear and authoritative advice for that meeting;

#### **AND THAT**

- c. the Owners authorise the Strata Committee to spend those funds at its discretion provided such expenditure is determined pursuant to a resolution being passed at a meeting of the Strata Committee.

#### **6. PODIUM FURNITURE:**

#### **Explanatory note to Motion:**

*A member of the Strata Committee has suggested that Altair install furniture (table*

*and benches on the podium to encourage residents to meet and mingle on the podium. This has proved a successful focus for resident interaction at other similar buildings.*

*This suggestion has been debated at Strata Committee meetings. The Garden sub-Committee has reviewed the possibility and noted that the furniture would have to be specially made from concrete to overcome the issues of wind and the safety hazards that might eventuate if the furniture is blown around. The podium is prone to extremely high wind gusts.*

*The plan is for the furniture to be placed at the eastern end of the podium so that it does not add to the noise nuisance from the spa and pool already experienced by residents at the western end. Apart from the wind issue, objections to the furniture have been raised regarding creating a focal point for noise which tends to rise up the face of the building and can cause a nuisance interfering with some owner's rights to the quiet enjoyment of their property. The Garden Committee estimate that appropriate furniture could be made and installed for approximately \$10,000.*

*This project is not endorsed by the Strata Committee and is presented as an option entirely for the owners to decide. There is no budget allocation for this project.*

*Our Strata Manager has recommended that we treat this item as a Special Resolution as this is an addition to the common property that is to be affixed.*

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## **Discussion to the Motion**

### **MOTION LOST**

That:

- a. The Owners – Strata Plan No. 64622 - **SPECIALLY RESOLVE** pursuant to section to s108 of the Strata Schemes Management Act 2015 for the purposes, enhancing, adding and improving the common property install a table and benches to the podium positioned at the east end of the podium as outlined within the images as provided in Annexure 'A' (and now forming part of the Minutes of Meeting).

**AND THAT** (subject only to part 'a' being *Specially Resolved*)

- ~~b. The Owners – Strata Plan No. 64622 – authorises its Strata Committee, on behalf of the Owners Corporation, to enter into and execute a contract with Snapconcrete Pty Ltd or other such comparable supplier for the supply and installation of a concrete table and benches at a cost of up to \$10,000 + GST.~~

**7. UPDATED CAPITAL WORKS FUND FORECAST:**

That the Owners Corporation considered the Schemes Capital Works Fund plan in relation to the setting of the Capital Works Fund budget and **RESOLVED** that the updated plan be accepted and the recommendations and expenditure for the 2018 financial year be incorporated into the proposed budgeted expenditure from the Capital Works Fund as *Provision for Major Expenditure (line code 272240)*:

<b>No</b>	<b>Item</b>	<b>Allowance</b>
2.1	Repaint ground floor walls and ceiling	\$13000
4.2	Paint lift lobby doors & bollards	\$3000
4.3	Replace carpark louvres (partial)	\$8000
7.2	Carpark & fire stair lighting (LED)	\$60000
7.4	Security video system upgrade	\$6000
13.2	Weights gym	\$40000
15.0	Legal & consulting costs (AC project)	\$25000
	Total	<b>\$155,000</b>

**Explanatory note:**

*The purpose of this motion is to allocate costs as set out in the Scheme's' Capital Works Fund plan and to review and implement the plan as appropriate.*

**8. ADMINISTRATION FUND FORECAST:**

**RESOLVED** that the Administration Fund Forecast as presented be accepted.

**Explanatory note:**

*The purpose of this motion is to review and note the costs forecast for the Administration Fund.*

**9. TEMPORARY USE OF ALLOCATED "LIFT FUND" FOR CASH FLOW PURPOSES:**

**RESOLVED** that for the purpose of providing temporary cashflow during 2018 that funds may be expended from the allocated 'Lift Fund' during 2018 on the following basis:

- a. a resolution of the Strata Committee must be passed at a Meeting prior to any withdrawal/transfer of funds;

**AND THAT**

- b. any funds transferred are to be re-allocated by the end of the 2018 Financial year.

**Note:**

*At the 2012 Annual General Meeting it was determined that a 'Lift Fund' be established and funds set aside for a planned programme of upgrade and refurbishment works for the lifts following a further 10 years of use in or around 2026.*

*At that 2012 meeting it was Resolved that these funds may only be used on the basis that the Owners Corporation first pass an Ordinary resolution at a General Meeting giving authority to do so. The funds to be used will only be on a temporary basis to ensure positive cashflow in light of the major works that are required.*

**10. ESTIMATES FOR  
ADMIN & CAPITAL  
WORKS FUNDS:**

Determination of the Budget regarding the estimates for Administrative & Capital Works Funds:

**RESOLVED** that the following consideration of the statement of existing financial situation and of estimated receipts and payments presented at the meeting that:

- a. Contributions to the administrative fund are estimated and determined at **\$1,010,000.00 plus GST**
- b. Contributions to the capital works fund are estimated and determined at **\$343,000.00 plus GST**
- c. The proportion of said contributions payable by the owners of each lot shall be in accordance with the proposed levy schedule approved at the meeting;
- d. The contributions of each owner to be payable by four equal instalments in advance, the first such instalment to be due on 1 April 2018 (payable 15 April) and then on 1 July, 1 October and 1 January 2019.
- e. These minutes shall serve as a notice to each lot owner of the amount and due date of each instalment of such contributions.

**11. DEBT COLLECTION:**

**RESOLVED** that The Owners – Strata Plan No 64622, pursuant to the *Strata Schemes Management Act 2015* (including section 103) for the purpose of collecting levy contributions to authorise the Strata Managing Agent and/or the Strata Committee to do any one or more of the following:

- a. To issue arrears notices, reminder notices and/or letters to seek recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs/expenses;
- b. To engage or appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation and/or experts on behalf of The Owners- Strata Plan No 64622;
- c. To issue demands, commence, pursue, continue or defend any court, tribunal or any other proceedings against any lot owner, mortgagee in possession and/or former lot owner in relation to all matters arising out of the recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs;
- d. Enter and enforce any judgment obtained in the collection of levy contributions including issuing writ for levy of property (personal and real property), garnishee orders, examination notices/orders/hearings, bankruptcy notices, statutory demands and commencing and maintaining bankruptcy proceedings or winding up proceedings;
- e. Filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions; and
- f. Liaise, instruct and prepare all matters with the Owners Corporation's

debt collection agents, lawyers and experts in relation to any levy recovery proceedings.

**12. PAYMENT PLAN:** **RESOLVED** that The Owners – Strata Plan 64622 agree to enter into payment plans generally for matters involving arrears of unpaid contributions/levies or other amounts including interest, legal and other costs/expenses thereon and to delegate to the strata manager and/or the Strata committee the ability to enter into, arrange and monitor each such payment plan limited to a period of 12 months per payment plan with any further or subsequent payment plan to be entered into as agreed by the Strata Committee or Owners Corporation by resolution.

*Note: Pursuant to Sections 85(5) – (85)(7) of the Strata Schemes Management Act 2015 and Regulation 18 and 19 of the Strata Scheme Management Regulations 2016 an Owners Corporation may agree to enter into payment plans generally or in particular cases for the payment of overdue contributions by a resolution passed at a general meeting. This resolution provides the power for the Owners Corporation to enter into such payment plans.*

**13. REPORT ON COMMISSIONS:** A report was received from the Strata Managing Agent on commissions and training services received in the past 12 months and estimate of commissions and training services to be received in the next 12 months.

**Report:**

*The strata managing agent under section 60 of the Strata Schemes Management Act 2015 is required to disclose all commissions or training services provided to the strata managing agent for the strata scheme. As at the date of the notice of this meeting the strata managing has received the following*

**Commissions:** \$0 in insurance commissions in the past 12 months and an amount of \$0 in commissions is expected to be received in the next 12 months.

**Training** The equivalent of \$0 in training services in the past 12 months, and an amount of \$0 in training is expected to be received in the next 12 months.

**14. ANNUAL FIRE SAFETY STATEMENT:** **RESOLVED** that whilst Francis Management Building Services Pty Ltd is appointed as the Building Manager for the scheme and when an Annual Fire Safety Statement is required in accordance with Part 9, Division 5 of the NSW *Environmental Planning and Assessment Regulations 2000:*

- a. it is required on an annual basis to engage a competent person to provide an annual fire safety statement; and
- b. subject to receipt of the statement from the competent person, it is instructed to sign on behalf of the scheme and lodge the statement with the local Council and cause a copy of the statement to be given to the Fire Commissioner.

15. **BY-LAW 8**

*Motion proposed by P Calvert Lot 37*

**CONSENT LOT 37**

**BY-LAW A20**

**WORKS TO LOT 37:**

**(APT 705)**

**SPECIALLY RESOLVED** pursuant to sections 108 of the *Strata Schemes Management Act 2015*, that the owner of Lot 37 be authorised to alter and to add to the common property by carrying out the works described in the provisions of By-Law 8–, *Building Work* - as if the whole of By-law 8 were incorporated and re-stated in this By-Law and that the Owners of Lot 37 are bound by and must comply with By-Law 8 with respect to:

- (A) Installation of tiling and membranes to the bathroom of the Lot.

**Explanatory note:**

This Motion and By-Law is to provision consent for works in the Lot per the advice to the Owners Corporation and condition for works as advised prior.

16. **BY-LAW 8**

*Motion proposed by R May & M Rule Lot 47*

**CONSENT LOT 47**

**BY-LAW A21**

**WORKS TO LOT 47:**

**(APT 804)**

**SPECIALLY RESOLVED** pursuant to sections 108 of the *Strata Schemes Management Act 2015*, that the owner of Lot 47 be authorised to alter and to add to the common property by carrying out the works described in the provisions of By-Law 8–, *Building Work* - as if the whole of By-law 8 were incorporated and re-stated in this By-Law and that the Owners of Lot 47 are bound by and must comply with By-Law 8 with respect to:

- (A) Installation of tiling and membranes to the bathroom of the Lot.

**Explanatory note:**

This Motion and By-Law is to provision consent for works in the Lot per the advice to the Owners Corporation and condition for works as advised prior.

17. **BY-LAW 8**

*Motion proposed by A Scott Lot 100*

**CONSENT LOT 100**

**BY-LAW A22**

**WORKS TO LOT 100:**

**(APT 1307)**

**SPECIALLY RESOLVED** pursuant to sections 108 of the *Strata Schemes Management Act 2015*, that the owner of Lot 100 be authorised to alter and to add to the common property by carrying out the works described in the provisions of By-Law 8–, *Building Work* - as if the whole of By-law 8 were incorporated and re-stated in this By-Law and that the Owners of Lot 100 are bound by and must comply with By-Law 8 with respect to:

- (A) Installation of tiling to the kitchen floor of the Lot.

**Explanatory note:**

This Motion and By-Law is to provision consent for works in the Lot per the advice to the Owners Corporation and condition for works as advised prior.

**18. BY-LAW 8**

*Motion proposed by K Zamel Lot 110*

**CONSENT LOT 110**

**BY-LAW A23**

**WORKS TO LOT 110:**

**(APT 1501)**

**SPECIALLY RESOLVES** pursuant to sections 108 of the *Strata Schemes Management Act 2015*, that the owner of Lot 110 be authorised to alter and to add to the common property by carrying out the works described in the provisions of By-Law 8–, *Building Work* - as if the whole of By-law 8 were incorporated and re-stated in this By-Law and that the Owners of Lot 110 are bound by and must comply with By-Law 8 with respect to:

- (A) Installation hard flooring to the living, bedroom and kitchen areas of the Lot.

**Explanatory note:**

This Motion and By-Law is to provision consent for works in the Lot per the advice to the Owners Corporation and condition for works as advised prior.

**19. BY-LAW 8**

*Motion proposed by C Grier Lot 116*

**CONSENT LOT 116**

**BY-LAW A24**

**WORKS TO LOT 116:**

**(APT 1507)**

**SPECIALLY RESOLVES** pursuant to sections 108 of the *Strata Schemes Management Act 2015*, that the owner of Lot 116 be authorised to alter and to add to the common property by carrying out the works described in the provisions of By-Law 8– *Building Work* - as if the whole of By-law 8 were incorporated and re-stated in this By-Law and that the Owners of Lot 116 are bound by and must comply with By-Law 8 with respect to:

- (A) Installation of tiling to the kitchen floor of the Lot.
- (B) Installation of hard flooring to the Lot.

**Explanatory note:**

This Motion and By-Law is to provision consent for works in the Lot per the advice to the Owners Corporation and condition for works as advised prior.

**20. BY-LAW 8**

*Motion proposed by D Saul Lot 120*

**CONSENT LOT 120:**

**BY-LAW A25**

**WORKS TO LOT 120:**

**(APT 1303)**

**SPECIALLY RESOLVES** pursuant to sections 108 of the *Strata Schemes Management Act 2015*, that the owner of Lot 120 be authorised to alter and to add to the common property by carrying out the works described in the provisions of By-Law 8–, *Building Work* - as if the whole of By-law 8 were incorporated and re-stated in this By-Law and that the Owners of Lot 120 are bound by and must comply with By-Law 8 with respect to:

- (A) Works and ancillary works to install a speaker system into the ceiling of the lounge room of the Lot.

**Explanatory note:**

This Motion and By-Law is to provision consent for works in the Lot per the advice to the Owners Corporation and condition for works as advised prior.

**21. BY-LAW 8**

*Motion proposed B Beck Lot 133*

**CONSENT LOT 133**

**BY-LAW A26**

**WORKS TO LOT 133:**

**(APT 1802)**

**SPECIALLY RESOLVES** pursuant to sections 108 of the *Strata Schemes Management Act 2015*, that the owner of Lot 133 be authorised to alter and to add to the common property by carrying out the works described in the provisions of By-Law 8–, *Building Work* - as if the whole of By-law 8 were incorporated and re-stated in this By-Law and that the Owners of Lot 133 are bound by and must comply with By-Law 8 with respect to:

- (A) Installation of tiling to the floors to all living areas of the Lot and the main bedroom.

**Explanatory note:**

This Motion and By-Law is to provision consent for works in the Lot per the advice to the Owners Corporation and condition for works as advised prior.

**22. THE STRATA  
COMMITTEE:**

**RESOLVED** that as the number of nominations equalled the number of persons to be elected, that number being nine (9) and the following were duly elected:

C Gardner (40), E Moses (44), M Cluff (92), G Zamel (110) D Saul (120),

D Moore (125), R Harding (126), M Di Bella (127), K Wellington (130)

Thanks were provided to L Liotta, M Heimann and to D MacKinnon for their past service as members of the Committee over several years.

**23. GENERAL  
RESTRICTIONS:**

**MOTION LOST** that the Owners Corporation decide if any matter or type of matter is to be determined only by the Owners Corporation in general meeting.

**24. FINANCIAL  
RESTRICTIONS:**

**RESOLVED** that the Owners Corporation remove the limitation imposed under Section 80A(1) generally or in relation to any particular item or matter.

The meeting closed at 8.12 pm

The Owners Strata Plan 64622

Address: *Altair, 3 Kings Cross Road, Rushcutters Bay*

Date 26 February 2018

Time: 8.17 pm

Location: Holiday Inn, 203 Victoria Street, Potts Point

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## Minutes of Strata Committee Meeting

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**PRESENT PERSONALLY:** C Gardner, E Moses, M Cluff, D Saul, R Harding, M Di Della, K Wellington

**APOLOGY:** D Moore, G Zamel

**IN ATTENDANCE:** M Caruana (Building Manager), J McDonald (SC)

**CHAIRPERSON:** R Harding chaired the meeting.

**MINUTES:** **RESOLVED** that the Minutes of the last Strata Committee Meeting be confirmed as a true and accurate record of the proceedings of that meeting.

**OFFICE BEARERS:** R Harding nominated and accepted as Chairperson.

E Moses nominated and accepted and as Secretary.

No nomination for Treasurer

**INSURANCE VALUATION:** **Resolved** that the Strata Committee obtain a valuation for insurance purposes in accordance with Section 160 & 161 of the *Strata Schemes Management Act 2015* and Section 39 of the *Strata Schemes Management Regulation 2016*.

Note:

This matter is delegated to the Strata Managing Agent.

**SHORT TERM LETTING:** The Strata Committee reviewed and determine Altair's participation in a planned petition to the NSW Parliament to 'force' a debate on Short Term Holiday Letting: It was **Resolved** that the petition be made available to the Altair residents to sign at the Concierge desk.

**INSTRUCTION TO MANAGING AGENT:** **Resolved** that whilst Linders Strata Management Pty Limited is appointed as the Strata Managing Agent for the scheme:

- a. it is required on an annual basis to engage a competent person to provide a statement as to whether the lift equipment is safe to operate; and

- b. subject to receipt of the statement from the competent person that the equipment is safe to operate, it is instructed to sign on behalf of the scheme and lodge with *SafeWork NSW* any item registration renewal or application form.

**NEXT COMMITTEE  
MEETING:**

Provisionally scheduled for 15 March 2018, Altair.

Meeting close 8.26 pm