

Date: 15 October 2009

Time: 6.30 pm

Address: 281 Elizabeth Street, Sydney NSW 2000

Location: Hyde Park Inn, 271 Elizabeth Street,
Sydney NSW 2000

Minutes of Annual General Meeting

PRESENT PERSONALLY

Cartwright (Lots 3 & 207), Bevan (Lots 8 and 169),
Ashton (Lots 18 and 256), Tong (Lot 24), Jarzabek (Lots 33 and 242),
Theodossiou (Lots 34 & 249), Clinton & Pasco (Lots 38 and 175),
Hynes (Lots 49, 73, 90, 147, 173 and 225), Jajoo (Lots 59 & 153),
Tiliacos (Lots 69 and 227), Tan (Lots 86 and 150),
Zeidan (Lots 87 and 144), Locker (Lots 89 and 235),
Yow & Choo (Lots 91 and 168) and Johnston (Lots 123, 159 and 160),

PRESENT BY PROXY:

To H Bevan: Hyde Park Regency Pty. Ltd (Lots 1, 2, 182, 191, 206,
222, 262, 266, 269, 274 and 276)
The Ascott (Hyde Park) Pty. Ltd (Lots 7, 114, 120,
121, 125, 129, 130 and 134),
Smith (Lots 10 & 166), Templeman (Lots 78 & 189),
Lambert (Lots 101, 107, 243 and 258),
Laughton (Lots 102 and 271),
Debby Cramer Research Services (Lot 104),
Fitzgibbon & Weiley (Lots 132, 140 and 141),

To L Cartwright: Allum and Gagen (Lots 111, 116, 145 and 149)

To D Rofe QC: Maeve Marine Pty Ltd (Lots 80, 184 and 216)
Matheson & Eve (Lots 131, 138, 139, 203 and 212)

To S Jarzabek: Faithfull (Lot 99)

To J McDonald: Meo (Lots 45 and 163), Tauber (Lots 64 and 217)

To E Locker: Teo (Lot 11), Erdelyi (Lots 44 and 237),
Zetland (Aust) Pty Ltd (Lot 58), Kelly (Lots 67 and 241),
Cham (Lot 117), Ivancic & Matalon (Lot 128)

To N Llewellyn: Ashton (Lots 18 & 256), Horne (Lots 85 and 198)

To R Jajoo: David & Jajoo (Lots 100, 176 and 177)

APOLOGIES: K Mangraviti, J Allum, T Gagen, B Fitzgibbon & M Weiley

IN ATTENDANCE: M Adamo, C Hodges
D Hecker (Building Manager), J McDonald (SC Linders),

CHAIRPERSON: H Bevan

1. MINUTES: **RESOLVED** that the minutes of the previous general meeting be confirmed as a true and accurate record of the proceedings of that meeting with the amendment that Lots 122 & 238 were in attendance.

2. ACCOUNTS: **RESOLVED** that the Financial Statements as supplied be confirmed and adopted.

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

Note: policy details are attached to the Minutes of Meeting.

4. ESTIMATES FOR ADMINISTRATIVE AND SINKING FUNDS:

Discussion to the Budget

4.1 RESOLVED that contributions to the Administrative Fund and Sinking Fund be determined following consideration of the statement of existing financial situation and estimated receipts and payments as presented at the meeting, which are to be accepted or varied.

4.2 RESOLVED that contributions be due and payable by quarterly instalments in proportion to unit entitlement as follows:

- a) as levied, on 1 September, in the amount of \$297,050.71 (comprising \$255,751.56 to the Administrative Fund and \$41,299.15 to the Sinking Fund); and
- b) in advance, on 1 December, 1 March, 1 June and each following quarter until varied, in equal amounts of \$297,996.05 (comprising \$275,168.17 to the Administrative Fund and \$22,827.88 to the Sinking Fund).

5. FOYER RENOVATION:
a. ***Please refer to the notes below.**

Discussion to the Motion

A motion to amend the motion to set the sum at \$20,000 from \$25,000 was **LOST**.

A motion to amend the motion to set the sum at \$35,000 from \$25,000 was **RESOLVED**.

Upon the AMENDED MOTION becoming the MOTION it was:

RESOLVED - notwithstanding the budget as determined- that the Owners Corporation authorise the Executive Committee to expend a sum not exceeding **\$35,000.00** for professional design advice on the layout and refurbishment of the foyer.

6. THE EXECUTIVE COMMITTEE:

Eleven (11) nominations were received.

M Adamo, L Cartwright, A Pasco, B Fitzgibbon, P Theodssiou, H Bevan, K Mangraviti, T Gagen, A Hynes, D Rofe QC, E Locker.

RESOLVED that the number of the committee be seven (7).

A Ballot was undertaken by Poll, as a Poll was requested.

RESOLVED that the following be elected:

M Adamo, L Cartwright, B Fitzgibbon, H Bevan, K Mangraviti, T Gagen and A Hynes.

7. GENERAL RESTRICTIONS ON EXECUTIVE COMMITTEE:

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.

8. FINANCIAL RESTRICTIONS ON EXECUTIVE COMMITTEE:

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

9. CURRENT AGENCY AGREEMENT:

RESOLVED that Strata Scheme No. 55468 terminates its current agency agreement by the mutual consent of Strata Scheme No. 55468 and Linders Strata Management Pty Limited in accordance with clause 7.2 of the current agency agreement.

10. NEW AGENCY AGREEMENT:

RESOLVED in accordance with section 27(1) of the Strata Schemes Management Act 1996 that:

(a) Linders Strata Management Pty Ltd (Agent) continues to be appointed as strata managing agent of Strata Scheme No. 55468

(b) the owners corporation delegates to the Agent all of the functions of:

(i) the owners corporation (other than those listed in section 28(3) of the Act); and

(ii) its chairperson, treasurer, secretary, and executive committee,

necessary to enable the Agent to carry out the 'agreed services' and the 'additional services' as defined in the written agreement, a copy of which is to be tabled at the meeting at which this resolution is passed;

(c) the delegation to the Agent is to be subject to the conditions and limitations in the Agreement;

(d) the owners corporation executes the Agreement to give effect to this appointment and delegation; and

(e) authority be given for the common seal of the owners corporation to be affixed to the Agreement by any two members of the executive committee.

The delegations in this motion supersede all previous delegations

**11. BYLAW REPEAL – BYLAW 25:
Proposed by Lot 89**

Discussion to the Motion

A Motion to **amend the Motion** to read as follows was put to the Meeting:

*That pursuant to Section 47 of the Strata Schemes Management Act 1996 the Owners' Corporation **SPECIALLY RESOLVES** to repeal the existing By Law No.25 being*

“Animals – subject to section 49(4) of the Strata Schemes Management Act 1996, an owner or occupier of a lot must not permit any animal on a lot or on the common property.”

And replace it with the following:

That pursuant to Section 47 of the Strata Schemes Management Act 1996 the Owners Corporation **SPECIALLY RESOLVES** that

1. Subject to section 49(4), an owner or occupier of a lot must not, without the prior written approval of the owners' corporation, keep any animal (**except 1 small dog not exceeding 15kg** or 1 cat and or fish kept in a secure aquarium on the lot) on the lot or the common property.
2. The owners' corporation must not unreasonably withhold its approval of the keeping of **1 small dog** or 1 cat and or fish on a lot or the common property.
3. If an owner or occupier of a lot intends to keep a **dog** or **cat** on the lot then the owner or occupier must:
 - (a) obtain permission from the owners' corporation before the **dog** or **cat** is kept on the lot;
 - (b) keep the **dog** or **cat** within the lot;
 - (c) carry the **dog** or **cat** when it is on the common property;
 - (d) take such action as may be necessary to clean all the areas of the lot or the common property that are soiled by the **dog** or **cat**; and
 - (e) take all necessary measures to ensure that the **dog** or **cat** does not cause a nuisance (either by noise, smell or otherwise) so as not to interfere with the peaceful enjoyment of other owners or occupiers of lots.
4. If the Owners' Corporation receives more than 3 written complaints in any 3 month period concerning a nuisance caused by a dog or cat which causes physical damage to the common property or other Lots (other than where the dog or cat is kept) or otherwise interferes with the peaceful enjoyment of other Lot Owners or Occupiers, the Owners' Corporation may serve written notice upon the Lot Owner and/or Occupier keeping the dog or cat requiring the dog or cat to be removed from the strata scheme within a period of 14 days. If the offending dog or cat is not removed within 14 days then the relevant Lot Owner and/or Occupier shall thereafter be in breach of this by-law.

The Amendment was LOST.

MOTION LOST that pursuant to Section 47 of the Strata Schemes Management Act 1996 the Owners' Corporation **SPECIALLY RESOLVES** to repeal the existing By Law No.25 being

"Animals – subject to section 49(4) of the Strata Schemes Management Act 1996, an owner or occupier of a lot must not permit any animal on a lot or on the common property."

And replace it with the following:

That pursuant to Section 47 of the Strata Schemes Management Act 1996 the Owners Corporation **SPECIALLY RESOLVES** that

Subject to section 49(4), an owner or occupier of a lot must not, without the prior written approval of the owners' corporation, keep any animal (except one (1) cat and or fish kept in a secure aquarium on the lot) on the lot or the common property.

The owners' corporation must not unreasonably withhold its approval of the keeping of one (1) cat and or fish on a lot or the common property.

If an owner or occupier of a lot intends to keep a cat on the lot then the owner or occupier must:

- a. obtain permission from the owners corporation before the cat is kept on the lot;
- b. keep the cat within the lot;
- c. carry the cat when it is on the common property;
- d. take such action as may be necessary to clean all the areas of the lot or the common property that are soiled by the cat; and
- e. take all necessary measures to ensure that the cat does not cause a nuisance, either by noise, smell or otherwise so as not to interfere with the peaceful enjoyment of other owners or occupiers of lots.

The meeting closed at 10.15 pm

***NOTES TO MOTION 5 – FOYER RENOVATION**

As owners will recall from the discussion at the Extraordinary General Meeting in 2007, part of the foyer area is in fact a separate lot (Lot 134). (Owners may contact the Building Manager for a copy of the Discussion Paper distributed for the EGM in 2007 which describes this in more detail.)

Lot 134 comprises the letterbox area, the concierge desk, the building manager's office and the commercial office space on the mezzanine level.

The owner of Lot 134 has advised that Lot 134 is currently under offer. If the sale of that area proceeds to completion, it will be necessary for the Owners Corporation to redesign and refurbish the foyer area.

The proposed motion seeks authorisation for the expenditure of funds for professional advice on the layout and refurbishment of the foyer. The motion is for the design phase only. Further expenditure (including any expenditure for any building work) will need to be authorised at a future general meeting of the Owners Corporation.

The Executive Committee has received two quotations from architects firms in the amounts of \$16,500 and \$19,635 (both inclusive of GST). The proposed figure of \$25,000 will provide the Executive Committee with some room to negotiate on the precise scope of the design brief.