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12/17 MAHOGANY DRIVE, BYRON BAY

STRATA REPORT



STRATA REPORT

VENDOR	NAME	Scott Witton Building Pty Ltd
PROPERTY	ADDRESS BUILDING NAME LOT & PLAN	12/17 Mahogany Drive BYRON BAY - Lot 12 Strata Plan 50149
REPORT	INSPECTION DATE REPORT DATE	26 February 2024 26 February 2024



STRATA REPORT

(INDEX)

VENDOR	NAME	Scott Whitton Building Pty Ltd
PROPERTY	ADDRESS	12/17 Mahogany Drive BYRON BAY
	BUILDING NAME	-
	LOT & PLAN	Lot 12 Strata Plan 50149

Page/s	Document
1	Cover Page
2	Title Page
3	Table of Contents
4	List of Attachments
5-14	STRATA REPORT
15-17	Financials – Owners Corp 1/9/2023 to 23/2/2024
18-20	Financials – Owners Corp 1/9/2022 to 31/8/2023
21-23	Financials – Owners Corp 1/9/2021 to 31/8/2022
24-28	By-Laws – Schedule 2
29-31	By-Laws – Dealing AJ359128
32-39	Minutes – 2021
40-46	Minutes – 2022
47-58	Minutes – 2023
59-73	Report – Capital Works Fund
74-84	Report – Termite
85-86	Insurance – Certificate of Currency

CONTENTS

ATTACHMENTS	4
STRATA DETAILS	5
STRATA MANAGING AGENT	5
STRATA ROLL	5
STRATA COMMITTEE	5
FINANCIAL DETAILS	6
LEVY CONTRIBUTIONS - LOT OWNER	6
LEVY CONTRIBUTIONS - OWNERS CORPORATION	6
EXPENSES	7
BUILDING INFORMATION	8
PROPERTY DETAILS	8
REPAIRS & MAINTENANCE	8
CAPITAL WORKS FUND PLAN	9
BY-LAWS	9
WHO IS RESPONSIBLE FOR REPAIRS	10
MINUTES OF MEETINGS	10
INSURANCE INFORMATION	11
REPORTS & COMPLIANCE	12
Asbestos	12
Auditor's Report	12
Backflow Prevention Report	12
Building Defects Report	12
Capital Works Fund Report	13
Combustible Cladding	13
Fire Safety	13
Income Tax	13
Insurance Valuation Report	13
Management Records	14
Strata Hub	14
Termite Report	14
Window Safety Devices	14
Work Health & Safety Report	14
REPORT NOTES	14

ATTACHMENTS

Financial Records of the Owners Corporation

By-Laws

Minutes of Meetings for 2021, 2022, 2023

Capital Works Fund Report (extract) of QIA Group Pty Ltd dated 31 August 2022

Termite / Pest Report of Sanctuary Pest & Termite Management dated 28 March 2023

Insurance – Certificate of Currency

STRATA DETAILS

STRATA MANAGING AGENT

Strata Managing Agents are involved in the day to day operation and management of a property and are appointed for a maximum term of 3 years.

Strata Managing Agent	Curtis Strata 3/13 Treelands Drive YAMBA T: 1300 795 705
Details of appointment	Commencing 7/11/2022 for 3 years

STRATA ROLL

Strata Schemes must keep a Strata Roll. These include details of the original owner, subsequent owners and the name, address and date of purchase of the current owner and if any third party has an interest in the property and if the property is tenanted.

Original Owner's Name	Nil noted
Current Owner's Name	Scott Witton Building Pty Ltd
Date of Purchase	3/2/2020
Third Party Interest	Nil noted

STRATA COMMITTEE

Strata Committees are elected at each Annual General Meeting and consist of between 3-9 people. They liaise with the Strata Managing Agent regarding the day to day operation and management of a property.

Building Management Committees are elected at each Annual General Meeting. A BMC is used when different usage types occupy the same building, ie residential, commercial, retail, etc. The main purpose of a BMC is to manage the shared infrastructure.

Strata Committee Members as voted at the Annual General Meeting held 4 December 2023	Chairperson Secretary Treasurer	Nil noted Nil noted Nil noted
Ordinary Members	L Foster P De Losa	
Decision Making Powers	In accordance with s36 of the Strata Schemes Management Act 2015	

Building Management Committee	Not applicable to this scheme
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FINANCIAL DETAILS

LEVY CONTRIBUTIONS - LOT OWNER

Levies are a fee paid by all lot owners in a scheme to cover any projected costs and expenses. They are calculated at the Annual General Meeting by the owners corporation.

Current Levy Period	1/2/2024 to 30/4/2024 – Unpaid	
	Administrative Fund	\$ 969.88
	Capital Works Fund	\$ 564.88
Next Levy Period	1/5/2024 to 31/7/2024 – Unpaid	
	Administrative Fund	\$ 969.88
	Capital Works Fund	\$ 564.88
Does a discount apply	No	
Levies for this Lot per Unit Entitlement (approx.)	\$5,605 per annum	\$108 per week

LEVY CONTRIBUTIONS - OWNERS CORPORATION

Administrative Fund is for the day to day expenses including maintaining the common property, providing for insurance and other expenses such as electricity, water, carpet cleaning.

Capital Works Fund is for services such as painting the common property, acquiring personal property for the scheme, renewing fixtures and fittings for the common property and to replace or repair the common property.

Special Levies are raised when there are insufficient funds to cover large maintenance repairs or works.

Current Balances of the Administrative Fund and Capital Works Fund are obtained from the Balance Sheet provided by the Strata Manager at the time of inspection.

Financial Period	1 September to 31 August in each year	
Approx balance of the Administrative Fund	\$ 33,398.44	DEBIT
Approx balance of the Capital Works Fund	\$ 44,492.37	CREDIT
Nett balance of funds	\$ 11,093.93	CREDIT
Budget as detailed in the 2024 AGM Minutes	Administrative Fund Capital Works Fund	To be determined at the AGM to be held in approx September 2024
Budget as detailed in the 2023 AGM Minutes	Administrative Fund Capital Works Fund	\$ 47,860.00 \$ 30,600.00

Budget as detailed in the 2022 AGM Minutes	Administrative Fund	\$ 28,500.00
	Capital Works Fund	\$ 27,500.00
Budget as detailed in the 2021 AGM Minutes	Administrative Fund	\$ 22,600.00
	Capital Works Fund	\$ 26,500.00

Special Levies	<p>There were no proposed special levies noted in the records.</p> <p>Refer Minutes AGM 27/9/2021 Motion 13 A Special Levy of \$5,000 per unit was raised to fund the painting of all units</p>
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EXPENSES

ADMINISTRATIVE FUND – EVERY DAY EXPENSES			
PERIOD	1/9/23 to 23/2/24 5.75 months	1/9/22 to 31/8/23 12 months	1/9/21 to 31/8/22 12 months
<i>Balance at end of period</i>	-33,399	-11,060	-209
Strata Manager – Management Fees	2,357	4,508	4,375
Insurance Premium	18,204	18,218	9,510
Maintenance – Fire Safety	0	0	0
Maintenance – General Repairs	0	887	0
Maintenance – Lawns & Garden	4,960	5,193	5,330
Maintenance – Pest Control	0	4,735	0
Utilities – Electricity	295	548	483
Utilities – Water Usage	3,393	3,508	1,979

CAPITAL WORKS FUND – MINOR & MAJOR WORKS			
PERIOD	1/9/23 to 23/2/24 5.75 months	1/9/22 to 31/8/23 12 months	1/9/21 to 31/8/22 12 months
<i>Balance at end of period</i>	44,493	37,610	12,321
Doors & Windows	0	880	1,562
Gardening / Trees / Landscaping	0	1,386	0
General	0	0	2,845
Painting & Surface Finishes	0	0	110,455

BUILDING INFORMATION

PROPERTY DETAILS

Known as Lot / Known as Unit	Lot 12	Unit 12
Number of Lots / Number of Units	Lots 14	Units 14
Unit entitlement of subject Lot / UE total	1/14	
Date of registration of Strata Plan	22/6/1995	
Electricity	Electricity to the common property is paid by the Owners Corporation from the Administrative Fund.	
Water Usage	Water usage to the common property is paid by the Owners Corporation from the Administrative Fund.	
Initial Period	The Initial Period commences the day the strata plan is registered and ends when one-third of the unit entitlement have been sold. The initial period has expired.	

REPAIRS & MAINTENANCE

New Rules regarding Proposed Expenditure	All strata schemes are required to obtain at least two independent quotes for proposed expenditure over \$30,000.
Common Property Maintenance	The records indicate that the Owners Corporation undertakes minimal common property maintenance.
Plumbing / Water Penetration problems	The records indicate that the Owners Corporation undertakes minimal repairs and maintenance.
Termite / Pest Treatment	The records indicate that the Owners Corporation does not undertake regular termite / pest treatment.

CAPITAL WORKS FUND PLAN

The owners corporation is required to prepare a 10 year Capital Works Fund Plan which must be reviewed every 5 years. The Capital Works Fund Report outlines recommended balances, levies and future expenditure for the property.				
Capital Works Fund Report available	Yes, dated 2022, extract attached			
Capital Works Fund Levies	The levies currently raise \$30,600 per annum. The Plan recommends \$28,882 should be raised.			
Projected Expenditure	2024 \$4,043	2025 \$6,263	2026 \$8,160	2027 \$9,157

BY-LAWS

By-Laws are rules that owners, tenants and visitors must follow. They cover the behaviour of residents and the use of common property. Owners Corporations can choose their own by-laws or adopt 'model' by-laws contained in the legislation.	
Date of registration of current By-Laws	2015 – Dealing AJ359128
Details of Animals By-Law	Refer By-Law 16 – prior written approval must be obtained from the owners corporation
Details of Exclusive Use By-Law	Refer Special By-Law 1 (C)
Details of Short Term and Holiday Letting	Nil noted
Details of By-Law Breaches / Disputes	Nil noted
Details of Proposed By-Laws	Refer Minutes AGM 4/12/2023 Motion 14 Lot Owner Alterations By-Law to be registered. This has not been registered as at the date of this report. Motion 15 Parking By-Law – motion was defeated

WHO IS RESPONSIBLE FOR REPAIRS

General Guide provided by NSW Fair Trading.

Property owners must repair and maintain anything within their property. All strata property, including duplexes, are required to follow these strata repair and maintenance rules.

The owners corporation or strata committee must repair and maintain common property.

In most cases, this is who is responsible for common repairs:

OWNERS CORPORATION	LOT OWNER
<ul style="list-style-type: none"> • Roof and gutters • Ceiling, (except painting) unless the problem is due to changes the owner has made • Boundary walls • Concrete slab (floor) • Carpets on common property (such as hallways) • Lights on common property • Any lights recessed into the ceiling • Garage repairs • Balconies and balcony doors • Windows and window locks • Plumbing in boundary walls and under the floor • Water damage coming from common property 	<ul style="list-style-type: none"> • Changes an owner has made to the ceiling • Internal walls • Carpet in the owner's property • Internal painting or wallpapering • Lights that hang into an owner's property • Window cleaning, unless an owner can't access it (for example, if it is too high) • Plumbing in internal walls and fixtures (such as baths, toilets, sinks and showers) • Water damage coming from inside an owner's property • Broken appliances or whitegoods

MINUTES OF MEETINGS

An Annual General Meeting (AGM) must be held yearly with a Strata Committee Meeting (SCM) normally being held straight after the AGM. A SCM can be held as often as committee members feel necessary. Accurate records must be kept of all meetings.

- Minutes for 2021, 2022 and 2023 are attached.
- The next AGM is to be held in approx September 2024. The Notice of the AGM discloses Motions to be voted on and the Proposed Budget for the scheme's financial year. The Notice must be provided to Lot Owners at least 14 days prior to the meeting being held.

INSURANCE INFORMATION

The insurances listed are the most common taken out by Owners Corporations. Depending on the nature and use of the property, not all of the insurances may be required.

Insurances which must be taken out by the Owners Corporation include a damage policy, public liability policy and a workers compensation policy (when required). Minimum insurance for the purposes of damage to property, death or bodily injury is \$20,000,000.

Repealed legislation stated that a valuation should be obtained every 5 years for the purposes of calculating the value to be insured. Under the current legislation strata schemes are not legally obligated to obtain an insurance valuation.

The Building Insurance should be equal to if not more than the value noted in the Insurance Valuation Report.

The insurances below only cover risks associated with the common property and not individual lots. Owners and occupants need to have adequate insurance cover for their own contents and other risks.

Insurer	CHU
Policy No	HU0006117109
Period of cover	30/11/2023 to 30/11/2024
Premium	\$18,204

Insurance Type	Sum Insured
Appeal Expenses	\$100,000
Building	\$6,564,495
Catastrophe	\$984,674
Common Area Contents	\$65,645
Fidelity Guarantee	\$100,000
Flood Cover	Insured
Government Audit Costs	\$25,000
Legal Defence Expenses	\$50,000
Liability to Others	\$20,000,000
Loss of Rent / Temporary Accommodation	\$984,674
Lot Owners Fixtures / Improvements	\$250,000
Machinery Breakdown	-
Office Bearers Liability	\$2,000,000
Voluntary Workers	\$200,000

Insurance claims over the last 12 months	Nil noted
Certificate of Currency attached	Yes
Insurance Valuation Report available	Yes, dated 2023 with a value of \$6,190,000

REPORTS & COMPLIANCE

An Owners Corporation can obtain a number of reports to assist them in the management of the scheme. Not all reports are required or essential.

DOCUMENT	SIGHTED	ATTACHED
<p>Asbestos From 1 January 2012 all strata buildings that contain a common property and built before 1 January 2004 must comply with relevant legislation. Surveys must be undertaken to effected buildings with the survey kept on site and available. Testing must be carried out by licensed asbestos assessors. If asbestos or asbestos containing materials are found, the property must be registered on the NSW Asbestos Register and an Asbestos Management Plan must be provided and made available to those who might be at risk. Any properties on the NSW Asbestos Register must be labelled accordingly to ensure the health and safety of emergency service workers, tradespeople, etc. The NSW Asbestos Register is accessible to the public.</p>	X	X
<p>Auditor's Report Large schemes (over 100 lots) or schemes with a budget over \$250,000.00 are required to have their accounts audited by an accountant. Schemes not falling into these categories do not have to have their accounts audited. Refer Minutes AGM 4/12/2023 Motion 3 – motion to appoint an auditor was lost.</p>	X	X
<p>Backflow Prevention Report Backflow is any unwanted flow of potentially contaminated water back into the water supply system. This can occur when water flows backwards, or opposite to its normal and intended direction to flow. Large complexes generally have backflow prevention devices installed (eg, underground carparks) and these must be tested annually.</p>	X	X
<p>Building Defects Report Strata schemes can obtain a Building Defects Report to identify issues. A Building Defects Report is generally for buildings less than 3 years old.</p>	X	X

DOCUMENT	SIGHTED	ATTACHED
<p>Capital Works Fund Report The owners corporation is required to prepare a 10 year Capital Works Fund Plan which must be reviewed every 5 years. The Capital Works Fund Report outlines recommended balances, levies and future expenditure for the property.</p>	✓	✓
<p>Combustible Cladding In August 2018 a product ban was imposed regarding the use of aluminium composite panels with a core composition of greater than 30% polyethylene by mass. The product ban relates to the use of the product in any external cladding, external wall, external insulation, façade or rendered finish in specified classes of buildings with certain storeys, including residential and commercial buildings. Existing buildings must be registered by 22 February 2019 and new buildings must be registered within four months of being occupied. The NSW Combustible Cladding Register is not accessible to the public.</p>	X	X
<p>Fire Safety Legislation states that any building which is subject to essential fire safety requirements must submit an Annual Fire Safety Statement to the local council and NSW Fire Brigade and have it displayed prominently on the premises. The local council contacts the owners corporation as to whether an AFSS is required.</p>	X	X
<p>Income Tax Not all Owners Corporations are required to lodge tax returns. An extract of the Australian Taxation Office's Ruling TR 2015/3 is as follows: Generally, where the only income derived by a strata title body is mutual in nature, that is, consists solely of proprietors' levies or contributions, there is no assessable income, so the strata title body is not required to lodge a return. In cases where income is derived from non-mutual sources (for example, interest and dividends from invested funds, fees from non-proprietors for access to books) a return is usually required to be furnished.</p>	X	X
<p>Insurance Valuation Report Under the current legislation, strata schemes are not legally obligated to obtain an insurance valuation.</p>	✓	X

DOCUMENT	SIGHTED	ATTACHED
<p>Management Records</p> <p>Strata schemes must retain all management records for 7 years. They are kept in folders or electronically on a content management system. They include correspondence, notices, change of ownership, orders, proxies, minutes, management agreements, financial records, by-laws, etc.</p>	✓	X
<p>Strata Hub</p> <p>The NSW Government introduced the 'Strata Hub' for all strata schemes in NSW in 2022. The Strata Hub will allow for key information to be accessible to schemes, service providers and the government which will allow for better visibility of a strata scheme's statutory requirements to help ensure well managed schemes. Strata schemes will be required to report information each year via the Strata Hub online platform. Lot Owners are able to access their scheme's information.</p> <p>The records indicate that the scheme has registered and completed it's annual reporting for the Strata Hub.</p>	✓	X
<p>Termite Report</p> <p>Recommendations in the industry are that annual termite / pest inspections and pest control be carried out.</p>	✓	✓
<p>Window Safety Devices</p> <p>All strata buildings with windows or doors more than 2m above the ground outside, lower than 1.7m from the floor inside and the window can be opened wider than 12.5cm must be fitted with devices by no later than March 2018.</p>	X	X
<p>Work Health & Safety Report</p> <p>Legislation requires that the owners corporation provide and maintain the common property to ensure it is safe and without risk to the health of contractors and others who may use it.</p>	X	X

REPORT NOTES

- The explanations / notes contained in the sections throughout the report are for information purposes only.
- This report is prepared on behalf of the person named as the client and is prepared from information provided by the Strata Manager (or the Secretary of the Owners Corporation if self managed) at the time of inspection. We accept no responsibility if all information is not provided to us at the time of inspection.
- We accept no liability to a third party in the event this report is provided to a third party without our consent.
- We do not attend the property nor inspect the building.
- Search My Strata ABN 96 747 210 342 carries Professional Indemnity Insurance

Strata Plan No. 50149

BALANCE SHEET

AS AT 23 FEBRUARY 2024

	ACTUAL 23/02/2024	ACTUAL 31/08/2023
<u>OWNERS FUNDS</u>		
Administrative Fund	(33,398.44)	(11,059.24)
Capital Works Fund	44,492.37	37,609.31
<u>TOTAL</u>	<u>\$ 11,093.93</u>	<u>\$ 26,550.07</u>
<u>THESE FUNDS ARE REPRESENTED BY</u>		
<u>CURRENT ASSETS</u>		
Bank Balance Admin Fund	(25,403.22)	(8,085.27)
Bank Balance Capital Works	46,903.06	35,497.46
Levies In Arrears	16.99	2,016.98
<u>TOTAL ASSETS</u>	<u>21,516.83</u>	<u>29,429.17</u>
<u>LIABILITIES</u>		
Levies In Advance	10,422.90	2,879.10
<u>TOTAL LIABILITIES</u>	<u>10,422.90</u>	<u>2,879.10</u>
<u>NET ASSETS</u>	<u>\$ 11,093.93</u>	<u>\$ 26,550.07</u>

Strata Plan No. 50149

STATEMENT OF INCOME AND EXPENDITURE

FOR THE PERIOD 01 SEPTEMBER 2023 TO 23 FEBRUARY 2024

	ACTUAL 01/09/23-23/02/24	BUDGET 01/09/23-31/08/24	VARIANCE %	ACTUAL 01/09/22-31/08/23
<u>ADMINISTRATIVE FUND</u>				
<u>INCOME</u>				
Levies - Administrative Fund	7,125.02	47,860.00	14.89	28,500.08
Interest On Overdue Levies	8.64	0.00		46.34
Status Certificate Fees	0.00	0.00	0.00	119.90
<u>TOTAL ADMIN. FUND INCOME</u>	7,133.66	47,860.00		28,666.32
<u>EXPENDITURE - ADMIN. FUND</u>				
Archive / Electronic Storage	165.00	160.00	103.12	150.00
Bank Charges	34.60	180.00	19.22	130.75
General Repairs	0.00	950.76	0.00	886.25
Insurance Premium	18,203.87	18,300.00	99.47	18,217.97
Insurance Valuation	0.00	0.00	0.00	383.00
Lawns & Gardening	4,959.50	5,500.00	90.17	5,193.00
Management Fees-Additional	32.89	0.00		275.00
Management Fees-Standard	2,356.32	4,810.00	48.99	4,507.13
Nsw Govt Portal Fee	0.00	0.00	0.00	240.00
R & M - Pest/Vermin Control	0.00	3,000.00	0.00	4,735.00
Capital Works Analysis Report	0.00	0.00	0.00	344.00
Status Certificate Fees Paid	0.00	0.00	0.00	119.90
Software Access	33.60	100.00	33.60	82.90
Tax Return Preparation	0.00	200.00	0.00	198.00
Utility - Electricity	294.33	600.00	49.06	547.13
Utility - Water & Sewerage	3,392.75	3,000.00	113.09	3,507.46
<u>TOTAL ADMIN. EXPENDITURE</u>	29,472.86	36,800.76		39,517.49
<u>SURPLUS / DEFICIT</u>	\$ (22,339.20)	\$ 11,059.24		\$ (10,851.17)
Opening Admin. Balance	(11,059.24)	(11,059.24)	100.00	(208.07)
<u>ADMINISTRATIVE FUND BALANCE</u>	\$ (33,398.44)	\$ 0.00		\$ (11,059.24)

Strata Plan No. 50149

STATEMENT OF INCOME AND EXPENDITURE

FOR THE PERIOD 01 SEPTEMBER 2023 TO 23 FEBRUARY 2024

	ACTUAL 01/09/23-23/02/24	BUDGET 01/09/23-31/08/24	VARIANCE %	ACTUAL 01/09/22-31/08/23
<u>CAPITAL WORKS FUND</u>				
<u>INCOME</u>				
Levies - Capital Works Fund	6,874.98	30,600.00	22.47	27,499.92
Interest On Overdue Levies	8.08	0.00		54.70
<u>TOTAL CAPITAL WORKS INCOME</u>	6,883.06	30,600.00		27,554.62
<u>EXPENDITURE - CAPITAL WORKS</u>				
Doors & Windows	0.00	0.00	0.00	880.00
Fencing	0.00	45,000.00	0.00	0.00
Gardening/Trees/Landscaping	0.00	0.00	0.00	1,386.00
<u>TOTAL CAP. WORKS EXPENDITURE</u>	0.00	45,000.00		2,266.00
<u>SURPLUS / DEFICIT</u>	<u>\$ 6,883.06</u>	<u>\$ (14,400.00)</u>		<u>\$ 25,288.62</u>
Opening Capital Works Balance	37,609.31	37,609.31	100.00	12,320.69
<u>CAPITAL WORKS FUND BALANCE</u>	<u>\$ 44,492.37</u>	<u>\$ 23,209.31</u>		<u>\$ 37,609.31</u>

Strata Plan No. 50149

17-19 Mahogany Drive Byron Bay NSW 2481

BALANCE SHEET

AS AT 31 AUGUST 2023

ACTUAL
31/08/2023

OWNERS FUNDS

Administrative Fund	(11,059.24)
Capital Works Fund	37,609.31
<u>TOTAL</u>	<u>\$ 26,550.07</u>

THESE FUNDS ARE REPRESENTED BY

CURRENT ASSETS

Bank Balance Admin Fund	(8,085.27)
Bank Balance Capital Works	35,497.46
Levies In Arrears	2,016.98
<u>TOTAL ASSETS</u>	29,429.17

LIABILITIES

Levies In Advance	2,879.10
<u>TOTAL LIABILITIES</u>	2,879.10

NET ASSETS

\$ 26,550.07

Strata Plan No. 50149

17-19 Mahogany Drive Byron Bay NSW 2481

STATEMENT OF INCOME AND EXPENDITURE

FOR THE PERIOD 01 SEPTEMBER 2022 TO 31 AUGUST 2023

	ACTUAL	BUDGET	%
	01/09/22-31/08/23	01/09/22-31/08/23	
<u>ADMINISTRATIVE FUND</u>			
<u>INCOME</u>			
Levies - Administrative Fund	28,500.08	28,500.00	100.00
Interest On Overdue Levies	46.34	0.00	*****
Status Certificate Fees	119.90	0.00	*****
<u>TOTAL ADMIN. FUND INCOME</u>	28,666.32	28,500.00	
<u>EXPENDITURE - ADMIN. FUND</u>			
Archive / Electronic Storage	150.00	150.00	100.00
Bank Charges	130.75	200.00	65.38
General Repairs	886.25	841.93	105.26
Insurance Premium	18,217.97	11,880.00	153.35
Insurance Valuation	383.00	0.00	*****
Lawns & Gardening	5,193.00	5,500.00	94.42
Management Fees-Additional	275.00	0.00	*****
Management Fees-Standard	4,507.13	4,515.00	99.83
Nsw Govt Portal Fee	240.00	0.00	*****
R & M - Pest/Vermin Control	4,735.00	2,800.00	169.11
Capital Works Analysis Report	344.00	0.00	*****
Status Certificate Fees Paid	119.90	0.00	*****
Software Access	82.90	120.00	69.08
Tax Return Preparation	198.00	185.00	107.03
Utility - Electricity	547.13	600.00	91.19
Utility - Water & Sewerage	3,507.46	1,500.00	233.83
<u>TOTAL ADMIN. EXPENDITURE</u>	39,517.49	28,291.93	
<u>SURPLUS / DEFICIT</u>			
	\$ (10,851.17)	\$ 208.07	
Opening Admin. Balance	(208.07)	(208.07)	100.00
<u>ADMINISTRATIVE FUND BALANCE</u>	\$ (11,059.24)	\$ 0.00	

Strata Plan No. 50149

17-19 Mahogany Drive Byron Bay NSW 2481

STATEMENT OF INCOME AND EXPENDITURE

FOR THE PERIOD 01 SEPTEMBER 2022 TO 31 AUGUST 2023

	ACTUAL	BUDGET	%
	01/09/22-31/08/23	01/09/22-31/08/23	
<u>CAPITAL WORKS FUND</u>			
<u>INCOME</u>			
Levies - Capital Works Fund	27,499.92	27,500.00	100.00
Interest On Overdue Levies	54.70	0.00	*****
<u>TOTAL CAPITAL WORKS INCOME</u>	27,554.62	27,500.00	
<u>EXPENDITURE - CAPITAL WORKS</u>			
Doors & Windows	880.00	0.00	*****
Gardening/Trees/Landscaping	1,386.00	0.00	*****
<u>TOTAL CAP. WORKS EXPENDITURE</u>	2,266.00	0.00	
<u>SURPLUS / DEFICIT</u>			
	\$ 25,288.62	\$ 27,500.00	
Opening Capital Works Balance	12,320.69	12,320.69	100.00
<u>CAPITAL WORKS FUND BALANCE</u>	\$ 37,609.31	\$ 39,820.69	

Strata Plan No. 50149

17-19 Mahogany Drive Byron Bay NSW 2481

BALANCE SHEET

AS AT 31 AUGUST 2022

ACTUAL
31/08/2022

OWNERS FUNDS

Administrative Fund	(208.07)
Capital Works Fund	12,320.69
<u>TOTAL</u>	<u>\$ 12,112.62</u>

THESE FUNDS ARE REPRESENTED BY

CURRENT ASSETS

Bank Balance Admin Fund	2,678.98
Bank Balance Capital Works	9,255.00
Levies In Arrears	3,646.59
<u>TOTAL ASSETS</u>	15,580.57

LIABILITIES

Levies In Advance	3,467.95
<u>TOTAL LIABILITIES</u>	3,467.95

NET ASSETS

\$ 12,112.62

Strata Plan No. 50149

17-19 Mahogany Drive Byron Bay NSW 2481

STATEMENT OF INCOME AND EXPENDITURE

FOR THE PERIOD 01 SEPTEMBER 2021 TO 31 AUGUST 2022

	ACTUAL	BUDGET	%
	01/09/21-31/08/22	01/09/21-31/08/22	
<u>ADMINISTRATIVE FUND</u>			
<u>INCOME</u>			
Levies - Administrative Fund	22,599.92	22,600.00	100.00
Interest On Overdue Levies	50.78	0.00	*****
Status Certificate Fees	119.90	0.00	*****
Strata Roll Inspection Fees	58.10	0.00	*****
<u>TOTAL ADMIN. FUND INCOME</u>	22,828.70	22,600.00	
<u>EXPENDITURE - ADMIN. FUND</u>			
Archive / Electronic Storage	115.76	110.25	105.00
Bank Charges	182.40	150.00	121.60
General Repairs	701.40	604.75	115.98
Insurance Premium	9,510.00	8,330.00	114.17
Lawns & Gardening	5,330.00	4,000.00	133.25
Management Fees-Standard	4,375.00	4,300.00	101.74
R & M - Pest/Vermin Control	0.00	2,800.00	0.00
Capital Works Analysis Report	0.00	600.00	0.00
Status Certificate Fees Paid	119.90	0.00	*****
Software Access	107.76	120.00	89.80
Strata Inspection Fees Paid	58.10	0.00	*****
Taxation / Bas Returns	185.00	185.00	100.00
Utility - Electricity	482.31	600.00	80.38
Utility - Water & Sewerage	1,978.56	800.00	247.32
<u>TOTAL ADMIN. EXPENDITURE</u>	23,146.19	22,600.00	
<u>SURPLUS / DEFICIT</u>	\$ (317.49)	\$ 0.00	
Opening Admin. Balance	109.42	109.42	100.00
<u>ADMINISTRATIVE FUND BALANCE</u>	\$ (208.07)	\$ 109.42	

Strata Plan No. 50149

17-19 Mahogany Drive Byron Bay NSW 2481

STATEMENT OF INCOME AND EXPENDITURE

FOR THE PERIOD 01 SEPTEMBER 2021 TO 31 AUGUST 2022

	ACTUAL	BUDGET	%
	01/09/21-31/08/22	01/09/21-31/08/22	
<u>CAPITAL WORKS FUND</u>			
<u>INCOME</u>			
Levies - Capital Works Fund	26,499.76	26,500.00	100.00
Special Capital Works Levy	70,000.00	70,000.00	100.00
Interest On Overdue Levies	34.06	0.00	*****
<u>TOTAL CAPITAL WORKS INCOME</u>	96,533.82	96,500.00	
<u>EXPENDITURE - CAPITAL WORKS</u>			
Doors & Windows	1,561.60	0.00	*****
General	2,845.00	0.00	*****
Painting & Surface Finishes	110,454.99	110,000.00	100.41
<u>TOTAL CAP. WORKS EXPENDITURE</u>	114,861.59	110,000.00	
<u>SURPLUS / DEFICIT</u>	\$ (18,327.77)	\$ (13,500.00)	
Opening Capital Works Balance	30,648.46	30,648.46	100.00
<u>CAPITAL WORKS FUND BALANCE</u>	\$ 12,320.69	\$ 17,148.46	

Strata Schemes Management Regulation 2016

Current version for 19 January 2024 to date (accessed 12 February 2024 at 11:15)

Schedule 2

Schedule 2 By-laws for pre-1996 strata schemes

(Clause 35)

1 Noise

An owner or occupier of a lot must not create any noise on the parcel likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using common property.

Note—

This by-law was previously by-law 12 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 13 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

2 Vehicles

An owner or occupier of a lot must not park or stand any motor or other vehicle on common property except with the written approval of the owners corporation.

Note—

This by-law was previously by-law 13 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 14 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

3 Obstruction of common property

An owner or occupier of a lot must not obstruct lawful use of common property by any person.

Note—

This by-law was previously by-law 14 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 15 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

4 Damage to lawns and plants on common property

An owner or occupier of a lot must not—

- (a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated on common property, or
- (b) use for his or her own purposes as a garden any portion of the common property.

Note—

This by-law was previously by-law 15 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 16 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

5 Damage to common property

- (1) An owner or occupier of a lot must not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property without the approval in writing of the owners corporation.

Note—

This by-law is subject to sections 109 and 110 of the [Strata Schemes Management Act 2015](#).

- (2) An approval given by the owners corporation under clause (1) cannot authorise any additions to the common property.
- (3) This by-law does not prevent an owner or person authorised by an owner from installing—
 - (a) any locking or other safety device for protection of the owner’s lot against intruders, or
 - (b) any screen or other device to prevent entry of animals or insects on the lot, or
 - (c) any structure or device to prevent harm to children.
- (4) Any such locking or safety device, screen, other device or structure must be installed in a competent and proper manner and must have an appearance, after it has been installed, in keeping with the appearance of the rest of the building.
- (5) Despite section 106 of the [Strata Schemes Management Act 2015](#), the owner of a lot must maintain and keep in a state of good and serviceable repair any installation or structure referred to in clause (3) that forms part of the common property and that services the lot.

Note—

This by-law was previously by-law 16 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 17 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

6 Behaviour of owners and occupiers

An owner or occupier of a lot when on common property must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the owner or occupier of another lot or to any person lawfully using common property.

Note—

This by-law was previously by-law 17 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 18 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

7 Children playing on common property in building

An owner or occupier of a lot must not permit any child of whom the owner or occupier has control to play on common property within the building or, unless accompanied by an adult exercising effective control, to be or to remain on common property comprising a laundry, car parking area or other area of possible danger or hazard to children.

Note—

This by-law was previously by-law 18 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 19 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

8 Behaviour of invitees

An owner or occupier of a lot must take all reasonable steps to ensure that invitees of the owner or occupier do not behave in a manner likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or any person lawfully using common property.

Note—

This by-law was previously by-law 19 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 20 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

9 Depositing rubbish and other material on common property

An owner or occupier of a lot must not deposit or throw on the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the owner or occupier of another lot or of any person lawfully using the common property.

Note—

This by-law was previously by-law 20 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 21 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

10 Drying of laundry items

An owner or occupier of a lot must not, except with the consent in writing of the owners corporation, hang any washing, towel, bedding, clothing or other article on any part of the parcel in such a way as to be visible from outside the building other than on any lines provided by the owners corporation for the purpose and there only for a reasonable period.

Note—

This by-law was previously by-law 21 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 22 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

11 Cleaning windows and doors

An owner or occupier of a lot must keep clean all glass in windows and all doors on the boundary of the lot, including so much as is common property.

Note—

This by-law was previously by-law 22 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 23 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

12 Storage of inflammable liquids and other substances and materials

- (1) An owner or occupier of a lot must not, except with the approval in writing of the owners corporation, use or store on the lot or on the common property any inflammable chemical, liquid or gas or other inflammable material.
- (2) This by-law does not apply to chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

Note—

This by-law was previously by-law 23 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 24 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

13 Moving furniture and other objects on or through common property

An owner or occupier of a lot must not transport any furniture or large object through or on common property within the building unless sufficient notice has first been given to the strata committee so as to enable the strata committee to arrange for its nominee to be present at the time when the owner or occupier does so.

Note—

This by-law was previously by-law 24 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 25 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

14 Floor coverings

- (1) An owner of a lot must ensure that all floor space within the lot is covered or otherwise treated to an extent sufficient to prevent the transmission from the floor space of noise likely to disturb the peaceful enjoyment of the owner or occupier of another lot.
- (2) This by-law does not apply to floor space comprising a kitchen, laundry, lavatory or bathroom.

Note—

This by-law was previously by-law 25 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 26 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

15 Garbage disposal

An owner or occupier of a lot—

- (a) must maintain within the lot, or on such part of the common property as may be authorised by the owners corporation, in clean and dry condition and adequately covered a receptacle for garbage, and
- (b) must ensure that before refuse is placed in the receptacle it is securely wrapped or, in the case of tins or other containers, completely drained, and
- (c) for the purpose of having the garbage collected, must place the receptacle within an area designated for that purpose by the owners corporation and at a time not more than 12 hours before the time at which garbage is normally collected, and
- (d) when the garbage has been collected, must promptly return the receptacle to the lot or other area referred to in paragraph (a), and
- (e) must not place any thing in the receptacle of the owner or occupier of any other lot except with the permission of that owner or occupier, and
- (f) must promptly remove any thing which the owner, occupier or garbage collector may have spilled from the receptacle and must take such action as may be necessary to clean the area within which that thing was spilled.

Note—

This by-law was previously by-law 26 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 27 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

16 Keeping of animals

- (1) Subject to section 157 of the [Strata Schemes Management Act 2015](#), an owner or occupier of a lot must not, without the approval in writing of the owners corporation, keep any animal on the lot or the common property.
- (2) The owners corporation must not unreasonably withhold its approval of the keeping of an animal on a lot or the common property.

Note—

This by-law was previously by-law 27 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 28 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

17 Appearance of lot

- (1) The owner or occupier of a lot must not, without the written consent of the owners corporation, maintain within the lot anything visible from outside the lot that, viewed from outside the lot, is not in keeping with the rest of the building.
- (2) This by-law does not apply to the hanging of any washing, towel, bedding, clothing or other article as referred to in by-law 10.

Note—

This by-law was previously by-law 29 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 30 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

18 Notice board

An owners corporation must cause a notice board to be affixed to some part of the common property.

Note—

This by-law was previously by-law 3 in Schedule 1 to the [Strata Schemes \(Freehold Development\) Act 1973](#) and by-law 3 in Schedule 3 to the [Strata Schemes \(Leasehold Development\) Act 1986](#).

19 Change in use of lot to be notified

An occupier of a lot must notify the owners corporation if the occupier changes the existing use of the lot in a way that may affect the insurance premiums for the strata scheme (for example, if the change of use results in a hazardous

activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes).

Annexure "A"

SPECIAL BY-LAW 2

SPECIAL RESOLUTIONS:

- A. SPECIFICALLY RESOLVED that that the owners of Lot 1 in the Strata Scheme shall have rights and privileges of exclusive use of those areas of common property as may be required in respect to the following matter:
- Added rear deck and permanent colour bond awning
- B. SPECIFICALLY RESOLVED that the owners of Lot 2 in the Strata Scheme shall have rights and privileges of exclusive use of those areas of common property as may be required in respect to the following matter:
- Increased size of front deck to 5m by 2.3m of hardwood
 - Increased size of back deck to 3.7m by 2.75m of Ecodeck
 - Removal of front wall and front deck overhand and post and rear wall replaced by 3 steel beams
 - Front and rear doors replaced by aluminium bi-fold doors from 4.48m by 2.01m with a snib glass wall in 3 panels one above the other w.83. by 2.03m and the rear bi-folds 2.53m by 2.03m plus

Dated: 7 March, 2015

Page 1

2 OF 4

Page 1 of 3 Pages

- Folding arm awning over front deck 4m by 1.83m fitted by Brunswick Heads Blinds
 - Solar tube installed from roof to kitchen by the Woolman, Alstoneville, July 2010
 - Installation of solar hot water and 1kW PV system in 2010
- C. SPECIFICALLY RESOLVED that the owners of Lot 12 in the Strata Scheme shall have rights and privileges of exclusive use of those areas of common property as may be required in respect to the following matter:
- The decking extension
 - Window added in garage
 - 1.5kW PV Solar panels on roof
 - Storage shed added to eastern side of house
- D. SPECIFICALLY RESOLVED that the owners of Lot 14 in the Strata Scheme shall have rights and privileges of exclusive use of those areas of common property as may be required in respect to the following matter:
- The window add to garage
- E. SPECIFICALLY RESOLVED that the owners of Lot 5 in the Strata Scheme shall have rights and privileges of exclusive use of those areas of common property as may be required in respect to the following matter:
- Installed solar hot water on roof
 - Extension on varandah of one metre.
- F. SPECIFICALLY RESOLVED that the owners of Lot 6 in the Strata Scheme shall have rights and privileges of exclusive use of those areas of common property as may be required in respect to the following matter:
- Foxtel dish on carport.
- G. SPECIFICALLY RESOLVED that the rights and privileges of exclusive use to be granted per above subject to the following conditions:
- i. That the installation is/was carried out by a licensed and qualified tradesperson in a proper and workmanlike manner
 - ii. That the cost of the installation is/was at the expensive of the respective owners
 - iii. That the said installation and improvements shall always remain the property of the respective owners who shall at all times be responsible for the repair, maintenance and replacement

Dated: 7 March, 2015

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~~Page 2 of 3 Pages~~

- iv. That the respective lot owners and their successors in title shall be responsible for the maintenance, repair and replacement of the areas of Common Property to which the installations and improvements are attached.
- v. That the respective lot owners shall make good, at their expense, damage to any part of common property that may have been caused by the installations and improvements
- vi. That, should the respective lot owners not fulfil their obligations pursuant to Clause (v) the Owners Corporation may carry out any necessary work to repairs to the common property at the cost of the respective owners.

3. SPECIAL RESOLUTION:

SPECIFICALLY RESOLVED that all flyscreens in the complex are checked and repaired or replaced as necessary, after which:

- owners be granted exclusive use of their flyscreens, and
 - o upon passing of this by-law each owner shall be responsible for the maintenance and replacement of flyscreens on their lot.
 - o In the event that flyscreens have to be replaced they must be of a kind in keeping with the building in accordance with by-law 5.

~~Page 3 of 3 Pages~~

HOF 4

**Minutes of the Annual General Meeting
The Owners – Strata Plan 50149**

17-19 Mahogany Drive, Byron Bay, 2481

Held via Zoom on 27 Monday September 2021 commencing at 3.00 p.m.

PRESENT: P De Losa, L Manning, P Edmonds & J Magill, V Murphy, S Heilpern, S Witton and T Johnstone

PROXIES: A Zaglas to S Austine

IN ATTENDANCE: Steve Austine of Curtis Strata, S Sewell

CHAIRMAN: Steve Austine conducted the meeting under delegated authority.

MOTION

1. RESOLVED that the Minutes of the last General Meeting held were confirmed. **NO ONE AGAINST**
2. RESOLVED that the Financial Statements for the period ended 31 August 2021 be received and adopted. **NO ONE AGAINST**
3. RESOLVED that an auditor not be appointed. **NO ONE AGAINST**
4. RESOLVED that the present insurance cover on the common property be confirmed and insurance under Section 165(2) not be altered at this stage. **NO ONE AGAINST**
5. RESOLVED that Curtis Strata advised the Owners Corporation that it has received the following commissions in connection with the exercise of functions for the scheme during its last financial year and provide the following estimate for the next financial year of the Owners Corporation.

Commission Type	Received	Estimate
Insurance	\$530.52	\$650.00

NO ONE AGAINST

6. RESOLVED that the Owner’s Corporation update their Capital Works Analysis Report. **NO ONE AGAINST**

7. RESOLVED that for the purpose of collecting levy contributions, interest and recovery costs thereon and pursuant to the Act (including section 103 of the Act), authorisation is given to the strata managing agent and/or the executive committee to do any of the following:
- (a) Levy Recovery Step 1: issue a reminder levy notice 45 days after the levy due date;
 - (b) Levy Recovery Step 2: issue 2nd levy recovery letter 75 days after the levy due date;
 - (c) Levy Recovery Step 3: 96 days after the original date the levy was due, and where the debt is in excess of \$2,000, appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation of solicitors, barristers and/or experts on behalf of the Owners Corporation to issue a letter of demand and/or to 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) Enforce any judgment obtained in the collection of levy contributions including commencing and maintaining bankruptcy 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/or experts in relation to any levy recovery proceedings.

NO ONE AGAINST

8. RESOLVED that the owners corporation resolve pursuant to Section 85(5) of the Strata Schemes Management Act 2015 to agree to enter into payment plans for the payment of overdue levy contributions on a basis that the strata Manager thinks is fair and reasonable taking into account the Owners Corporation financial position and that the owner who enters into the payment plan be responsible for all associated costs.

NO ONE AGAINST

9. RESOLVED that no additional matters apart from the restrictions of the Strata Schemes Management Act, 2015 be placed on the strata committee.

NO ONE AGAINST

10. RESOLVED that three nominations were received for the election of the strata committee members and the owners corporation determined the number of persons to be elected to the strata committee was five and those nominees were elected. Vacant positions will be sought to be filled at the next committee meeting.

Members: P De Losa, S Sewell, S Witton

NO ONE AGAINST

11. RESOLVED that the owners corporation obtain a pest control and termite inspection to all units and common property in April, 2022.

NO ONE AGAINST

12. RESOLVED that in accordance with the Strata Schemes Management Act, 2015 the Administrative Fund Budget for the year ending 31 August 2022 totaling \$22,600.00 be approved and the Administrative Fund levy be determined at the rate of \$1,614.29 per unit entitlement per annum, due and payable quarterly from 1 November 2021 and that Capital Works Fund Budget for the year ending 31 August 2022 totaling \$26,500.00 be approved and the Capital Works Fund levy be determined at the rate of \$1,892.86 per unit

entitlement per annum, due and payable quarterly from 1 November 2021 and that they be issued at the same amount and frequency as agreed to above until a new budget is re-determined by the owners corporation at the next Annual General Meeting.

Quarterly levies are due payable on 1 November 2021

1 February 2022

1 May 2022

1 August 2022

As per Section 83 (4) of the Strata Schemes Management Act, 2015 - Regular periodic contributions to the administrative fund and capital works fund of an owners corporation are taken to have been duly levied on an owner of a lot even though notice levying the contributions was not given to the owner.

Owners are responsible to ensure their levies are paid on time whether a levy notice has been received or not. The owners corporation nor Curtis Strata will not be held responsible for levy notices not being received through Australia Post or by email.

NO ONE AGAINST

13.

RESOLVED that the owners corporation agree to contribute a special one-off levy of \$5000.00 per unit, to be used exclusively to fund the painting of all units simultaneously (or as quickly as can be accommodated by All Ways Painting), commencing in January 2022. The special levy is due in full on or before 31st December, 2021. Payment arrangements can be either a lump sum or 3 equal instalments due last day of October, November, and December 2021.

NO ONE AGAINST

CLOSED:

4.10 P.M.

STRATA SCHEMES MANAGEMENT ACT 2015 (NSW) NOTICE OF STRATA
COMMITTEE OF THE OWNERS CORPORATION

COMMITTEE MEETING BUSINESS to be dealt with at the Strata Committee (SC) Meeting
of Strata Plan No 50149 at Unit 4/ 17 Mahogany Drive, Byron Bay 25 October 2021

Minutes

Present: Suze Sewell, Paige De Losa and Sarah Whitton

Apologies:

Item	Action Update	Responsibility	Due date
Handy Man	Michael to contact Paul	Michael	Next meeting
Back Fence Unit 1	A Request to have back fence replaced	Paige	Strata to obtain quotes to fix all boundary fences. Note internal fences are not a strata issue.
Unit 2	Building works to be commenced on 1 November 2021 – expected duration 2 weeks.	Unit 2	Done
Unit 2	Fencing to be replaced on all sides as part of building works – seeking exemption to any levies in relation to replacement of fencing in complex in the future.	Committee	Next meeting
Unit 5	Request received to replace front door.	Paige	Need clarification as to what the issue with the front door is. Ask Strata to clarify.
Unit 12	Request received for removal of obnoxious weed in common area/car port.	Suze	Will speak to gardener.

Unit 10	Contacted Paige De Losa but will also contact Strata Manager. Side and back fences in need of replacement.	Paige	Strata to obtain quotes to fix all boundary fences. Note internal fences are not a strata issue.
Unit 7	Rear paling fence with 115 Bangalow Road is collapsing into their yard. They are happy to talk with their neighbour about going 50/50 on replacement cost. Suggested that alternatively if the committee is organising a handyperson to do work around the complex, perhaps they could do a temporary repair of the fencing.	Paige	Strata to obtain quotes to fix all boundary fences. Note internal fences are not a strata issue.
Backyard storm water drains	Trying to find out from Curtis about who is responsible as most seem to be overgrown or not known about.	Paige	Next meeting
Boundary fences	Investigate as possible next maintenance project. Query notifying neighbors of intention as should be a 50/50 split.	Paige	Strata to obtain quotes to fix all boundary fences. Note internal fences are not a strata issue.
Unit 5	Repairs to damaged roof/guttering/downpipes caused by leaking hot water tank. Previous correspondence has gone without reply/action.	Paige	Raise with Strata Managers for follow up.
Brick boundary fence on Mahogany Dr/Bangalow Rd	Unsure if this is part of the current unit painting quote. Add to scope with price if not.		Covered by quote.

1. New Business

2. Financial Report

To be attached subject to further business.

3. Business without notice

Paige to do some research in terms of conditions regarding Community Garden.

Suzie to f/up gardener re revisiting his responsibilities/job description.

Discussed perhaps getting someone in every 6 months to do a makeover.

Talk of complex Christmas Party – either 5 or 6 December in Community Garden.

4. Next meeting: 22 November 2021

STRATA SCHEMES MANAGEMENT ACT 2015 (NSW) NOTICE OF STRATA
COMMITTEE OF THE OWNERS CORPORATION

COMMITTEE MEETING BUSINESS to be dealt with at the Strata Committee (SC) Meeting
of Strata Plan No 50149 at Unit 4/ 17 Mahogany Drive, Byron Bay 21 February 2022

Minutes

Present: Suze Sewell, Paige De Losa, Sarah Whitton, Ruby O'Rourke (unit 3) and Anne Cabrie (unit 3 co-owner)

Apologies:

Item	Action Update	Responsibility	Due date
Handy Man	Michael to contact Paul	Michael	Next meeting
Unit 8	<p>Issue of belongings in Community Garden. Letter sent by Strata to owner. Belongings remain in situ.</p> <p>Ruby O'Rourke raised:</p> <ul style="list-style-type: none"> a) Question of lawful right of Cavanbah Owner's Corp to control the community garden in relation to demanding that personal items be removed from the garden; b) The investment of various owners be appreciated (specifically Marti-Jo's longstanding commitment to the garden; c) That unless the COC has legal responsibility for the gardens then we should remain neutral (evidence requested); d) If there are matters of concern, then what can the COC do to address those concerns without overstating their legal power – suggested that perhaps fencing is the answer. <p>Paige suggested that the COC were official caretakers of the garden with likely insurance. Ruby requested receipt of paperwork and insurance paperwork.</p>	Committee	Next meeting

	Paperwork to be followed up.		
Bins	Letter sent to occupants seeking volunteers to do bin roster. Advised if no volunteer's forthcoming bins would become individual responsibility.		
Parking	Issue of residents parking in visitor spaces when they have a garage or car port. Letters have be sent to residents re same.		

1. New Business

Store room door needs fixing. Handyman details to be provided by Sarah.

Ruby suggested that the car park next to the bins be converted into a bike area/shed. Not agreed.

2. Financial Report

To be attached subject to further business.

3. Business without notice

4. Next meeting: 28 March 2022

STRATA SCHEMES MANAGEMENT ACT 2015 (NSW) NOTICE OF STRATA
COMMITTEE OF THE OWNERS CORPORATION

COMMITTEE MEETING BUSINESS to be dealt with at the Strata Committee (SC) Meeting
of Strata Plan No 50149 at Unit 4/ 17 Mahogany Drive, Byron Bay 23 May 2022

Minutes

Present: Suze Sewell, Paige De Losa and Sarah Whitton

Apologies: Grant & Sonia Twible

Item	Action Update	Responsibility	Due date
Unit 8	Personal belongings in Community Garden and potential insurance issues.	Council to be notified.	Next meeting.
Store room door needs fixing	Paige to contact handyman.	Paige	Next meeting
Units 4 & 7 – further inspection with plumber for drainage of water sitting under both houses	Suzie to contact plumber. Was waiting on funds.	Suzie	Next meeting
Unit 4 – possible termite or white ant damage under house.	Inspection has taken place. No termites or white ants present. No further action required.		
Unit 14	Installation of split system a/c unit. External unit will face Bangalow Road	Committee	Approved

1. New Business
2. Financial Report
To be attached subject to further business.
3. Business without notice
4. Next meeting: 20 June 2022

STRATA SCHEMES MANAGEMENT ACT 2015 (NSW) NOTICE OF STRATA
COMMITTEE OF THE OWNERS CORPORATION

COMMITTEE MEETING BUSINESS to be dealt with at the Strata Committee (SC) Meeting
of Strata Plan No 50149 at Unit 4/ 17 Mahogany Drive, Byron Bay 20 June 2022

Item	Action Update	Responsibility	Due date
Unit 8	Issue of belongings in Community Garden. Letter sent by Strata to owner of unit. Belongings remain in situ. Installation of gate. Now has rabbits – no approval.	Council to be notified	Next meeting
Store room door needs fixing	Paige to contact handyman	Paige	Next meeting.
Further inspection for units 4 and 7 – resolution with plumber for drainage of water sitting under both houses	Suzie to contact relevant parties to inspect. Enquiries to be made for a grant due to natural disaster.	Suzie	Next meeting.
Bins – being left out on street.		Committee	Next meeting
Dumping of green waste in community garden		Committee	Next meeting
Fencing – quotes to be followed up		Committee	Next meeting
Pets defecating on common property		Committee	Next meeting

1. New Business

2. Financial Report

To be attached subject to further business.

3. Business without notice

4. Next meeting: 27 June 22

Minutes of the Annual General Meeting The Owners – Strata Plan 50149

17-19 Mahogany Drive, Byron Bay NSW 2481

Held via Zoom on Monday 7 November 2022 commencing at 3.00 p.m.

PRESENT: P Edmonds, S Sewell, S Heilpern, M Rossignuolo, J Thwaites, V Murphy, P De Losa, G Twible

APOLOGIES: S Witton

IN ATTENDANCE: Steve Austine of Curtis Strata

CHAIRMAN: Steve Austine conducted the meeting under delegated authority.

MOTION

1. RESOLVED that the Minutes of the last General Meeting be adopted as a true and accurate account of the proceedings of that meeting.

NO ONE AGAINST

2. RESOLVED that the Financial Statements for the period ended 31 August 2022 be received and adopted. Curtis Strata are to forward the correspondence received from council regarding the water meters.

NO ONE AGAINST

3. RESOLVED that an auditor not be appointed.

NO ONE AGAINST

4. RESOLVED that the present insurance cover be confirmed and insurance under Section 165(2) not be altered at this stage an Insurance valuation to be obtained.

NO ONE AGAINST

5. RESOLVED that Curtis Strata advised the Owners Corporation that it has received the following commissions in connection with the exercise of functions for the scheme during its last financial year and provide the following estimate for the next financial year of the Owners Corporation.

Commission Type	Received	Estimate
Insurance	\$822.35	\$1,400.00

NO ONE AGAINST

6. RESOLVED that the Owner’s Corporation considered their Capital Works Analysis Report.

NO ONE AGAINST
Strata Report | Page 43

7. RESOLVED that for the purpose of collecting levy contributions, interest and recovery costs thereon and pursuant to the Act (including section 103 of the Act), authorisation is given to the strata managing agent and/or the executive committee to do any of the following:
- (a) Levy Recovery Step 1: issue a reminder levy notice 45 days after the levy due date;
 - (b) Levy Recovery Step 2: issue 2nd levy recovery letter 75 days after the levy due date;
 - (c) Levy Recovery Step 3: 96 days after the original date the levy was due, and where the debt is in excess of \$2,000, appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation of solicitors, barristers and/or experts on behalf of the Owners Corporation to issue a letter of demand and/or to 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) Enforce any judgment obtained in the collection of levy contributions including commencing and maintaining bankruptcy 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/or experts in relation to any levy recovery proceedings.
- NO ONE AGAINST**
8. RESOLVED that the owners corporation resolve pursuant to Section 85(5) of the Strata Schemes Management Act 2015 to agree to enter into payment plans for the payment of overdue levy contributions on a basis that the strata Manager thinks is fair and reasonable taking into account the Owners Corporation financial position and that the owner who enters into the payment plan be responsible for all associated costs.
- NO ONE AGAINST**
9. RESOLVED that no additional matters apart from the restrictions of the Strata Schemes Management Act, 2015 be placed on the strata committee.
- NO ONE AGAINST**
10. RESOLVED that three nominations were received for the election of the strata committee members and the owners corporation determined the number of persons to be elected to the strata committee was three and those nominees were elected.
- Members: S Witton, S Sewell, P De Losa.
- NO ONE AGAINST**
11. RESOLVED that Curtis Strata be authorised to register the owners corporation on the NSW Government's Strata Annual Reporting Portal and to process the \$3 per lot annual administration fee on the owners corporation behalf and that S Sewell be the emergency services contact.
- NO ONE AGAINST**

12. RESOLVED that Patimi Pty Ltd trading as Curtis Strata (herein called "the Agent") be appointed as the Strata Managing Agent and that the common seal be affixed to the Agency Agreement tabled at this meeting, which agreement incorporates instruments pursuant to Sec. 52 of the Strata Schemes Management Act, 2015 appointing the Agent and delegating all the powers, authorities, duties and functions of the Owners Corporation and its Strata Committee and the Chairman, Secretary and Treasurer of the Strata Committee and of the Owners Corporation, other than the power to do anything referred to in Sec. 52(2) of the Act, and that the Owners Corporation authorised P De Losa and S Witton to sign the Agency Agreement on behalf of the Owners Corporation.
NO ONE AGAINST
13. RESOLVED that the owners corporation consider whether to obtain a pest control and termite inspection to all units and common property by Sanctuary Pest Management.
NO ONE AGAINST
14. RESOLVED that in accordance with the Strata Schemes Management Act, 2015 the Administrative Fund Budget for the year ending 31 August 2022 totaling \$28,500.00 be approved and the Administrative Fund levy be determined at the rate of \$2,035.71 per unit entitlement per annum, due and payable quarterly from 1 November 2022 and that Capital Works Fund Budget for the year ending 31 August 2022 totaling \$27,500.00 be approved and the Capital Works Fund levy be determined at the rate of \$1,964.29 per unit entitlement per annum, due and payable quarterly from 1 November 2022 and that they be issued at the same amount and frequency as agreed to above until a new budget is re-determined by the owners corporation at the next Annual General Meeting.
Quarterly levies are due payable on 1 November 2022
1 February 2023
1 May 2023
1 August 2023
As per Section 83 (4) of the Strata Schemes Management Act, 2015 - Regular periodic contributions to the administrative fund and capital works fund of an owners corporation are taken to have been duly levied on an owner of a lot even though notice levying the contributions was not given to the owner.
Owners are responsible to ensure their levies are paid on time whether a levy notice has been received or not. The owners corporation nor Curtis Strata will not be held responsible for levy notices not being received through Australia Post or by email.
NO ONE AGAINST
15. RESOLVED that the owners corporation resolve to change its address for service to the office of Curtis Strata, PO Box 551, YAMBA NSW 2464.
NO ONE AGAINST
16. RESOLVED that the replacement of common property fencing was discussed and it was agreed that a subcommittee of P Edmonds, S Sewell and S Heilpern be formed to consider the works that are required and the Curtis Strata are to seek quotes which are then to be presented to the strata committee for consideration and approval. It was also confirmed that dividing fences between units are the shared responsibility of those owners and that owners who have erect gates/fences without strata approval are to send a request in writing to Curtis Strata who will then send this to the strata committee for consideration. Otherwise those lots must have the non-approved gates/fences removed at their cost.
NO ONE AGAINST

17. RESOLVED that the installation of solar panels was discussed and that owners and it was agreed that owners are to forward their proposals for solar to the roof of their lot when they wish to proceed. strata committee for consideration.

NO ONE AGAINST

GENERAL BUSINESS:

1. Approval was given to the owner of unit 4 to relocate hot water service provided it is done in a tradesman like manner and at no cost to the owners corporation.
2. Approval was given to the owner of unit 4 to install air conditioning at their lot provided it is done in a tradesman like manner and at no cost to the owners corporation. A general meeting is to be held by electronic vote to have a bylaw in place to ensure all ongoing costs are at the expense of their unit and this bylaw is to cover all units at the complex.
3. A motion for a by-law to be registered to ensure all alterations carried out at all units that differ from the original building remain the responsibility of the owner of that lot.
4. A fee proposal is to be obtained for legal advice to be provided on Short term letting and what can be done to ensure the owners corporation are duly covered for breach of strata bylaws and liability by guests.
5. A general strata bylaw reminder is to be sent to all residents and managing agents regarding parking, storage of items that can be seen from the common property, and the keeping of pets. If further breaches are reported then Curtis Strata are to take the necessary action against the offending residents.

CLOSED:

4.26 p.m.

STRATA SCHEMES MANAGEMENT ACT 2015 (NSW) NOTICE OF STRATA
COMMITTEE OF THE OWNERS CORPORATION

COMMITTEE MEETING BUSINESS to be dealt with at the Strata Committee (SC) Meeting
of Strata Plan No 50149 at Unit 4/ 17 Mahogany Drive, Byron Bay 4 April 2023

Minutes

Item	
The minutes from previous meeting are correct	Correct
Store room door needs fixing	Handyman to follow up
Unit 3 - installed solar light and black screen in carport and yellow and white striped awning in backyard without approval Utilising carport soley for storage no clear entrance to property	Copy of correspondence from Steve in regards to carport and renovations
Umbrella trees causing damage to bin area motion to be removed	Motioned to be removed

1. New Business

- *Fence committee met with Steve (strata manager) on property to overlook fencing
- * Fencing company came and did quote with Pete unit 7 some areas were missing
Pete rectified
- * Awaiting fence report to be sent to fencing committee from strata manager.
- *Steve notified committee of awning request from unit 3, after a phone enquiry from the secretary on the day of awning installation. Request sent from unit 3, 3 weeks prior to curtis strata, giving 1 week notice of renovation request.
- *Garden - clarity on garden space. Council to maintain their section. (See image)
attached. Green area is council.
- *Welcome letter updated with housekeeping sent out with parking survey to all residents
- *Thankyou to Lloyd unit 4 for climbing into drain between Unit 5-11 clearing out roots and debris clogging drain and pressure hosing all bins in bin area

*Suze unit 4 contacted council replaced unit 2 & 3 recycle bin lids which went missing

*Treasurer has resigned

*Acknowledgement of Sarah Unit 12 for her time as treasurer and gratitude towards her role in painting our complex

* Unit 11 noise complaints, bi-law 1 breach, utilising garage as bedroom bi-law 19 breach.

2. Financial Report

See attachment 7

3. Business without notice

4. Next meeting: May 2023

STRATA SCHEMES MANAGEMENT ACT 2015 (NSW) NOTICE OF STRATA
COMMITTEE OF THE OWNERS CORPORATION

COMMITTEE MEETING BUSINESS to be dealt with at the Strata Committee (SC) Meeting
of Strata Plan No 50149 at Unit 4/ 17 Mahogany Drive, Byron Bay 9 MAY 2023

Present without notice :- Ruby O'Rourke, Ruby's friend Anne, Jan (New owner Unit 1)

Paige De loisa

Minutes

Item	Outcome
The minutes from previous meeting are correct	Agreed
Unit 3 - installed solar light and black screen in carport and yellow and white striped awning in backyard without approval Utilising carport soley for storage no clear entrance to property Unapproved works this month below - all breech bi law 5 as above Modifications to carport ceiling Coat rack drilled external walk adjoining wall unit 3-4 Rear fence higher on top of original fence	Decision to be put forward to all owners at EGM
Unit 1 seek approval for their dog	Approved
Unit 4 - seeking approval for temporary bamboo privacy screen between front fence unit 3 and 4 Unit 3 has agreed to this.	Approved

1. New Business

* Unit 1 approved works from committee for privacy screening east/ west of back area and fence rear of carport. Hedge along eastern wall maintained by owners.

* Steve strata manager following up sanctuary pest invoice

- * fence report sent to secretary will forward on the fence committee
- *Garden - council didn't come Gardner mowed the lawn
- *Acknowledgement of Unit 4 taking bikes in common property to the tip
- * Handyman contacted to fix store room door
- * Umbrella trees works been ordered
- * Unit 3 parking permanently in visitor parking since dec 2021 without car moving for long periods

2. Financial Report

See attachment 7

3. Business without notice

4. Next meeting: June 2023

MINUTES OF ANNUAL GENERAL MEETING

Strata Plan No. 50149

DATE & TIME MONDAY 4TH DECEMBER, 2023 AT 2:00 PM
LOCATION VIA ZOOM

ATTENDANCE

Present

L Foster	1
P De Losa	2
R O'Rourke	3
P Edmonds & J Magill	7
S Heilpern	9
S Whitton	12

In Attendance

Paul Curtis of Curtis Strata
S Sewell
A Cabraie
J Beams

Chairperson

Paul Curtis of Curtis Strata

QUORUM

THE CHAIRPERSON ADVISED THAT A QUORUM WAS REPRESENTED AND DECLARED THE MEETING OPEN. MEETING OPENED ON MONDAY 4TH DECEMBER, 2023 AT 2:00 PM

1. CONFIRMATION OF MINUTES

RESOLVED that the minutes of the last general meeting be adopted as a true and accurate account of the proceedings of that meeting.

MOTION CARRIED

2. FINANCIAL INFORMATION

RESOLVED that the Financial Statements for the period ended 31 August 2023 be received and adopted.

MOTION CARRIED

3. AUDITOR

THAT an auditor be not be appointed.

MOTION CARRIED

4. INSURANCES

RESOLVED that an insurance valuation not be obtained and all other present insurance cover on the common property be confirmed and insurance under Section 165 (2) not be altered at this stage.

MOTION CARRIED

5. COMMISSIONS

THAT Curtis Strata advise the Owners Corporation that it has received the following commissions in connection with the exercise of functions for the scheme during its last financial year and provide the following estimate for the next financial year of the Owners Corporation.

COMMISSION TYPE	RECEIVED	ESTIMATE
INSURANCE	\$1,802.87	\$2,600.00

MOTION CARRIED

6. CAPITAL WORKS ANALYSIS REPORT

RESOLVED that the owners corporation considered their Capital Works Analysis Report and that it be updated if required.

MOTION CARRIED

7. LEVY ARREARS COLLECTION

RESOLVED that for the purpose of collecting levy contributions, interest and recovery costs thereon and pursuant to the Act (including section 103 of the Act), authorisation is given to the strata managing agent and/or the strata committee to do any of the following:

- (a) Levy Recovery Step 1: issue a reminder levy notice 45 days after the levy due date;
- (b) Levy Recovery Step 2: issue 2nd levy recovery letter 75 days after the levy due date;
- (c) Levy Recovery Step 3: 96 days after the original date the levy was due, and where the debt is in excess of \$2,000, appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation of solicitors, barristers and/or experts on behalf of the Owners Corporation to issue a letter of demand and/or to 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) Enforce any judgment obtained in the collection of levy contributions including commencing and maintaining bankruptcy 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/or experts in relation to any levy recovery proceedings.

MOTION CARRIED

8. PAYMENT PLANS

RESOLVED that the owners corporation resolve pursuant to Section 85(5) of the Strata Schemes Management Act 2015 to agree to enter into payment plans for the payment of overdue levy contributions on a basis that the Strata Manager thinks is fair and reasonable taking into account the Owners Corporation financial position at the time and that the owner who enters into the payment plan be responsible for all associated costs.

MOTION CARRIED

9. RESTRICTED MATTERS

RESOLVED that no additional matters apart from the restrictions of the Strata Schemes Management Act, 2015 be placed on the strata committee.

MOTION CARRIED

10. ELECTION OF STRATA COMMITTEE

RESOLVED that two nominations were received for the election of the strata committee members and the owners corporation determined the number of persons to be elected to the strata committee was two and those nominees were elected.

Committee Members:

L Foster
P De Losa

MOTION CARRIED

11. PEST CONTROL

RESOLVED that the owners corporation renew the Exterra Termite Interception and Baiting System and have all stations inspected.

MOTION CARRIED

12. BUDGET AND LEVIES

RESOLVED that in accordance with the Strata Schemes Management Act, 2015 the Administrative Fund Budget for the year ending **1 August 2023** totalling **\$47,860.00** be approved and the Administrative Fund levy be determined at the rate of **\$3418.57** per unit entitlement per annum, due and payable quarterly from **1 February 2024** and that the Capital Works Fund Budget for the year ending **1 August 2023** totalling **\$30,600.00** be approved and the Capital Works Fund levy be determined at the rate of **\$2,185.70** per unit entitlement per annum, due and payable quarterly from **1 February 2024** and that they be issued at the same amount and frequency as agreed to above until a new budget is re-determined by the Owners Corporation at the next Annual General Meeting.

Quarterly levies are due payable on 1 February 2024

1 May 2024

1 August 2024

1 November 2024

As per Section 83 (4) of the Strata Schemes Management Act, 2014 Regular periodic contributions to the administrative fund and capital works fund of an Owners Corporation are taken to have been duly levied on an owner of a lot even though notice levying the contributions was not given to the owner.

Owners are responsible to ensure their levies are paid on time whether a levy notice has been received or not. The Owners Corporation nor Curtis Strata will not be held responsible for levy notices not being received through Australia Post or by email.

MOTION CARRIED

13. UNIT 7 RENOVATIONS

RESOLVED that by SPECIAL RESOLUTION that the owners corporation ratify approval for Unit 7 to proceed with alterations/renovations at their lot that include relocating the kitchen and dining room to the front of the unit and relocating the living area to the rear of the unit and creating a fully waterproofed and tiled/grouted floor bathroom (directly below the upstairs bathroom) and replacing all downstairs windows and sliding doors with new double glazed units provided that it be at no expense to the owners corporation including future maintenance.

MOTION CARRIED

14. LOT OWNER ALTERATIONS BYLAW

RESOLVED that by SPECIAL RESOLUTION THAT the following bylaw be registered on title:
1) Any improvements or alterations completed by owners not in keeping with the original building specifications will be borne at the cost of the owner and subsequent owner of the lot in question. All maintenance of such improvements or alterations is the responsibility of the owner. Where maintenance is required, the Owner's Corporation may direct the owner to either affect repair acceptable to the Owner's Corporation or remove the alteration at the owner's expense.

i) The owner of the lot must not do or suffer to be done in or on the area or on the common property any act or thing by reasons of which any increased or extra premium may become payable for the insurance of the common property or any part

thereof.

ii) The owner of the Lot is responsible, at their own cost, for consistently maintaining in a good, clean serviceable repair and condition and for repairing or replacing all fixtures or fittings compromised in the area.

iii) In each instance of alterations and/or improvements, the owner of the Lot will still be required to seek consent of the Owners Corporation but such request must be accompanied with a letter stating that the owner will take on all responsibility for maintenance and to be liable for any costs associated with installation, poor workmanship and on-going usage of the improvements and additions impacting common property.

iv) Should the owner(s) fail to fulfil their obligations under clause (i), (ii),

(iii) the Owners Corporation may:-

a. carry out all works necessary to perform that obligation;

b. enter upon any part of the lot to carry out the works; and

c. recover the cost of carrying out the works from the owner(s) including any costs and/or legal costs that may be incurred to effect such works or recovery of costs so incurred.

MOTION CARRIED

15. PARKING BYLAW

DEFEATED. THAT the Owners – Strata Plan No 50149 SPECIALLY RESOLVES pursuant to section 141 of the Strata Schemes Management Act 2015 to change the by­laws for the strata scheme by repealing existing By­law 2

(Vehicles) and adding a new By­law 2 in the following terms:

BY­LAW NO. 2 PARKING OF VEHICLES

PART 1

PREAMBLE

1.1 This by­law is made pursuant to Part 7 of the Act.

1.2 1.2 The purpose of this by­law is to regulate parking, including Visitor Parking, in the Strata Scheme.

PART 2

DEFINITIONS & INTERPRETATION

Definitions

2.1 The definitions contained in clause 1.1 of By­law 1 (Definitions and Interpretation) apply and, unless the context otherwise requires:

(a) Act means the Strata Schemes Management Act 2015.

(b) Administrative Fee means the amount of \$50.00 or as otherwise determined from time to time by the Owners Corporation for the costs and expenses incurred by the Owners Corporation for and in connection with

the parking of a Vehicle on Common Property in contravention of this by­law including but without limitation the costs of issuing notices for a contravention of this by­law and the costs of towing or removal of a vehicle from the Common Property.

(c) Lot means any lot in the Strata Plan.

(d) Strata Plan means Strata Plan No 50149.

(e) Vehicle means a motor vehicle, trailer, motorcycle or scooter.

(f) Visitor means a bona fide guest or invitee or contractor (including a tradesperson or removalist) of an Owner or Occupier, but does not include an Owner or Occupier.

(g) Visitor Car Space means any car space designated as Visitor Parking in the Strata Scheme.

(h) Visitor Parking means that part of the Common Property designated as visitor parking and includes without limitation visitor parking that is also disabled parking.

Interpretation

2.2 Clause 1.2 of By-law 1 (Definitions and Interpretation) applies to this by-law and, unless the context otherwise requires:

(a) any terms in the by-law will have the same meaning as those defined in the Act;

(b) a reference to the Owners Corporation includes, where applicable, the building manager, strata managing agent, any member of the strata committee or any person authorised by the Owners Corporation from time to time; and

(c) to the extent of any inconsistency between the by-laws applicable to the Strata Plan and this by-law, the provisions of this by-law shall prevail.

PART 3

GRANT OF POWER

3.1 In addition to the powers, authorities, duties and functions conferred by or imposed on the Owners Corporation pursuant to the Act, the Owners Corporation shall have the following powers, authorities, duties and functions in relation to regulating parking, including Visitor Parking, in the Strata Scheme, subject to the conditions under this by-law:

(a) the power to regulate the use of and access to parking, including Visitor Parking for the parking of Visitors, in the Strata Scheme;

(b) the power to wheel clamp an Owner's, Occupier's or Visitor's Vehicle parked or left in contravention of this by-law;

(c) the power to enter into arrangements with third parties (including vehicle towing services) to tow or remove Vehicles that are parked or left in contravention of this by-law;

(d) the power to charge an Administrative Fee; and

(e) the power to erect signage in the Strata Scheme including but without limitation signage advising that Vehicles parked or left in contravention of this by-law will be towed or removed from the Strata Scheme or wheel clamped.

3.2 The Strata Committee is authorised to take any action specified in this by-law on behalf of the Owners Corporation to ensure compliance with this by-law.

PART 4

CONDITIONS

4.1 An Owner or Occupier of a Lot must:

(a) only park their Vehicle in the car space of their Lot;

(b) not, except with the prior written approval of the Owners Corporation, park or stand their Vehicle upon any part of the Common Property, including in a Visitor Car Space, at any time;

(c) ensure that their Vehicle is only loaded and unloaded from the car space of their Lot, or from any Common Property loading bay designated for such purpose and, when using any Common Property loading bay, must only stand their Vehicle in that loading bay for as long as is reasonably necessary for such loading and unloading to be completed;

(d) not, except for their Vehicle, keep any object, matter or thing in the car space of their Lot or on any part of the Common Property;

(e) not carry out any works of any kind, including but without limitation mechanical repairs or maintenance, in the car space of their Lot or on any part of the Common Property;

(f) not cause or permit their Visitor to park or stand a Vehicle on any part of the Common Property, other than in a Visitor Car Space, at any time;

(g) not cause or permit their Visitor to park or stand a Vehicle in a Visitor Car Space for a period exceeding two hours at any one time, except with the prior written

approval of the Owners Corporation;

(h) comply and ensure that their Visitor also complies with the terms of this by­law, the by­laws applicable to the Strata Scheme and any reasonable conditions, directions or requirements of the Owners Corporation, or any Authority.

4.2 Each Owner and Occupier acknowledges and agrees that, in relation to the use by their Visitor of Visitor Parking in the Scheme:

(a) the use of Visitor Parking is at their Visitor's own risk and cost; and

(b) the Owner or Occupier and/or their Visitor are liable for any loss of, or damage to, any Vehicle parked in Visitor Parking, however such loss or damage may be caused; and

(c) the Owners Corporation is not liable for any loss of, or damage to, any Vehicle parked in Visitor Parking, however such loss or damage may be caused.

Procedure where Vehicle parked or standing on Common Property in contravention of this by­law

4.3 If a Vehicle is parked or standing on Common Property in contravention of this by­law the following procedure applies:

(a) The Owners Corporation shall first place a notice in a form approved by the Strata Committee on the Vehicle parked or standing on the Common Property by an Owner or Occupier or their Visitor in breach of this by­law, advising the Owner, Occupier or their Visitor that the Vehicle is being

parked or is standing on Common Property in contravention of this by­law and warning that, if the Vehicle is parked or left standing on Common Property on a

second occasion in contravention of this by­law, the Owners Corporation shall issue an additional notice and may charge the Administrative Fee for that additional notice and may tow or remove the Vehicle from the Strata Scheme without further notice.

(b) If an Owner or Occupier or their Visitor parks a Vehicle on Common Property on a second occasion in contravention of this by­law after the Owners Corporation has placed the notice in clause 4.3(a) on the Vehicle, the Owners Corporation shall issue an additional notice and shall charge an Administrative Fee for such additional notice that it issues under this clause to the offending Owner or Occupier.

(c) If an Owner or Occupier or their Visitor continues to park their Vehicle on Common Property in contravention of this by­law, the Owners Corporation may, in addition to charging the Administrative Fee, do any of the following:

(i) wheel clamp the offending Vehicle; or

(ii) tow and/or remove that Vehicle to another lawful location. Vehicle towing/removal

4.4 An Owner or Occupier of a Lot acknowledges and agrees that:

(a) if they park or stand their Vehicle on the Common Property or allow their Visitor to park or stand their Vehicle in Visitor Parking in contravention of this by­law, then they consent and their Visitor consents to the wheel clamping, towing and/or removal of that Vehicle under the terms contained in this by­law and in section 651C of the Local Government Act 1993;

(b) if a Vehicle is wheel clamped, towed and/or removed pursuant to this by­law, then they:

(i) indemnify and shall keep indemnified the Owners Corporation for all the reasonable costs incurred by the Owners Corporation in relation to the wheel clamping, removal and/or storing of the Vehicle;

(ii) agree that an agreement pursuant to section 651C(2)(d) of the Local Government Act 1993 has been made and is in force; and

(iii) indemnify and shall keep indemnified the Owners Corporation for any loss or damage caused (including to the Vehicle) as a result of any action to the Vehicle under this by­law.

Erecting signage

4.5 If the Owners Corporation erects signage regulating the parking and standing of Vehicles on the Common Property, every Owner and Occupier must abide by that signage and must procure that their Visitors abide by that signage, in default of which, the Owner or Occupier will be responsible for any breach of this by­law by those persons.

PART 5

DEFAULT BY OWNER

5.1 If an Owner or Occupier fails to comply with any obligation under this by­law, the Owners Corporation may:

- (a) request, in writing, that the Owner or Occupier complies with the terms of this by­law;
- (b) carry out all work necessary to perform that obligation including removal or wheel clamping of the Vehicle;
- (c) in addition to the Administrative Fee, recover from the Owner or Occupier all and any other costs and charges associated with administering and enforcing this by­law;
- (d) exercise any rights available to the Owners Corporation against the Owner or Occupier jointly and severally and the Owner and Occupier, jointly and severally, agree to pay the costs associated with such exercise including strata management and legal fees as a debt due to the Owners Corporation.

5.2 Any charge or payment required by the Owners Corporation in accordance with this by­law becomes due and payable to the Owners Corporation in accordance with the decision of the Owners Corporation to require that payment.

5.3 If a charge or payment required is not paid at the end of one month after it becomes due and payable it shall bear, until paid, simple interest at an annual rate of ten per cent (10%).

5.4 Any payment required from an Owner or Occupier under this by­law may be recovered as a debt in a Court of competent jurisdiction.

MOTION NOT CARRIED

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED.

MEETING CLOSED ON MONDAY 4TH DECEMBER, 2023 AT 3:30 PM.

Capital Works Forecast Report

17-19 Mahogany Drive
17-19 Mahogany Drive, Byron Bay, NSW
2481
Scheme Number: 50149



COMPILED BY SIMON VINCENT

On 31 August 2022 for the
15 Years Commencing: 1 September 2022
QIA Job Reference Number: 177024

Professional Indemnity Insurance Policy Number 1411189338 PLP
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Strata Report | Page 59

QIA Group Pty Ltd

INTRODUCTION

We have estimated that the Capital Works Levies as proposed in this report will be adequate to accumulate sufficient funds to meet anticipated long term costs, with essentially only an adjustment for inflation being required.

LOCATION

17-19 Mahogany Drive, Byron Bay, NSW 2481

REPORT SUMMARY

We have estimated that the Capital Works Levies as proposed in this report will be adequate to accumulate sufficient funds to meet anticipated long term costs, with essentially only an adjustment for inflation being required.

We recommend that the Capital Works Report be regularly updated to ensure that an accurate assessment of how the scheme land, building and facilities are aging and to incorporate into the Report any major changes brought about by legislation, or pricing.

The Capital Works Levy per entitlement already set is:	\$1,892.86
Number of Lot/Unit Entitlements:	14
Opening Balance:	\$12,304.02
The proposed Capital Works Levy per entitlement is:	\$1,964.79

CAPITAL WORKS FINANCIAL SUMMARY

Report Year	Year Fiscal From	Opening Balance		Income		Expenses Est Expenditure (Inc GST)	Closing Balance Closing Balance (End of Year)
		Beginning of Year	Contribution Total P.A.	Contribution per Entitlement			
1	01/09/2022	\$12,304	\$27,507	\$1,964.79	\$9,023	\$30,788	
2	01/09/2023	\$30,788	\$28,882	\$2,063.03	\$5,351	\$54,320	
3	01/09/2024	\$54,320	\$30,326	\$2,166.18	\$4,043	\$80,603	
4	01/09/2025	\$80,603	\$31,843	\$2,274.49	\$6,263	\$106,183	
5	01/09/2026	\$106,183	\$33,435	\$2,388.21	\$8,160	\$131,458	
6	01/09/2027	\$131,458	\$35,107	\$2,507.62	\$9,157	\$157,408	
7	01/09/2028	\$157,408	\$36,862	\$2,633.00	\$14,181	\$180,089	
8	01/09/2029	\$180,089	\$38,705	\$2,764.65	\$24,718	\$194,075	
9	01/09/2030	\$194,075	\$40,640	\$2,902.88	\$16,658	\$218,057	
10	01/09/2031	\$218,057	\$42,672	\$3,048.03	\$213,065	\$47,665	
11	01/09/2032	\$47,665	\$44,806	\$3,200.43	\$11,593	\$80,878	
12	01/09/2033	\$80,878	\$47,046	\$3,360.45	\$42,850	\$85,074	
13	01/09/2034	\$85,074	\$49,399	\$3,528.47	\$16,204	\$118,269	
14	01/09/2035	\$118,269	\$51,869	\$3,704.90	\$16,469	\$153,668	
15	01/09/2036	\$153,668	\$54,462	\$3,890.14	\$20,867	\$187,263	

SUMMARY OF ANNUAL FORECAST EXPENDITURE

September 2022	Expense Inc GST
SUPERSTRUCTURE	
- Capital Replacement - General	\$1,400
FENCING	
- Provision to replace timber fencing in 13 years (partial accrual)	\$4,158
ROOF	
- Maintain roof ridge capping/tiles	\$3,465
<u>Total Forecast Expenditure for year - September 2022 (Inc GST):</u>	<u>\$9,023</u>
Includes GST amount of :	\$820
September 2023	Expense Inc GST
SUPERSTRUCTURE	
- Capital Replacement - General	\$1,470
DRIVEWAY	
- Maintain bitumen driveway (Patchwork)	\$3,881
<u>Total Forecast Expenditure for year - September 2023 (Inc GST):</u>	<u>\$5,351</u>
Includes GST amount of :	\$486
September 2024	Expense Inc GST
SUPERSTRUCTURE	
- Capital Replacement - General	\$1,543
EXTERNAL WORKS	
- Provision to remove/trim trees	\$2,500
<u>Total Forecast Expenditure for year - September 2024 (Inc GST):</u>	<u>\$4,043</u>

Includes GST amount of : \$368

September 2025	Expense Inc GST
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SUPERSTRUCTURE

- | | |
|--|---------|
| - Replace window fixtures and fittings | \$632 |
| - Capital Replacement - General | \$1,621 |

ROOF

- | | |
|-------------------------------------|---------|
| - Maintain roof ridge capping/tiles | \$4,011 |
|-------------------------------------|---------|

<u>Total Forecast Expenditure for year - September 2025 (Inc GST):</u>	<u>\$6,263</u>
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Includes GST amount of : \$569

September 2026	Expense Inc GST
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SUPERSTRUCTURE

- | | |
|---------------------------------|---------|
| - Capital Replacement - General | \$1,702 |
|---------------------------------|---------|

DRIVEWAY

- | | |
|---------------------|---------|
| - Maintain carports | \$1,404 |
|---------------------|---------|

FENCING

- | | |
|--|---------|
| - Provision to replace timber fencing in 13 years (partial
accrual) | \$5,054 |
|--|---------|

<u>Total Forecast Expenditure for year - September 2026 (Inc GST):</u>	<u>\$8,160</u>
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Includes GST amount of : \$742

September 2027	Expense Inc GST
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SUPERSTRUCTURE

- | | |
|---------------------------------|---------|
| - Capital Replacement - General | \$1,787 |
|---------------------------------|---------|

DRIVEWAY

- | | |
|---|---------|
| - Maintain bitumen driveway (Patchwork) | \$4,717 |
|---|---------|

EXTERNAL WORKS

- Maintain common pipework	\$2,653
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<u>Total Forecast Expenditure for year - September 2027 (Inc GST):</u>	<u>\$9,157</u>
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Includes GST amount of :	\$832
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September 2028	Expense Inc GST
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SUPERSTRUCTURE

- Provision to replace balustrades in 15 years (partial accrual)	\$7,662
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- Capital Replacement - General	\$1,876
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ROOF

- Maintain roof ridge capping/tiles	\$4,643
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<u>Total Forecast Expenditure for year - September 2028 (Inc GST):</u>	<u>\$14,181</u>
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Includes GST amount of :	\$1,289
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September 2029	Expense Inc GST
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SUPERSTRUCTURE

- Replace window fixtures and fittings	\$768
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- Capital Replacement - General	\$1,970
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FURNITURE & FITTINGS

- Maintain signage	\$650
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ROOF

- Provision to replace guttering/downpipes in 20 years (partial accrual)	\$21,331
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<u>Total Forecast Expenditure for year - September 2029 (Inc GST):</u>	<u>\$24,718</u>
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Includes GST amount of :	\$2,247
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September 2030	Expense Inc GST
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SUPERSTRUCTURE

- Capital Replacement - General	\$2,068
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DRIVEWAY

- Maintain concrete driveway 20% of total	\$1,792
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EXTERNAL WORKS

- Ongoing partial maintenance of pathways 10% of total	\$3,584
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FENCING

- Provision to replace timber fencing in 13 years (partial accrual)	\$6,143
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FURNITURE & FITTINGS

- Provision to replace mail boxes	\$3,072
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<u>Total Forecast Expenditure for year - September 2030 (Inc GST):</u>	<u>\$16,658</u>
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Includes GST amount of :	\$1,514
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September 2031	Expense Inc GST
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SUPERSTRUCTURE

- Repaint all previously painted building surfaces	\$197,992
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- Capital Replacement - General	\$2,172
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DRIVEWAY

- Maintain bitumen driveway (Patchwork)	\$5,734
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- Maintain carports	\$1,792
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ROOF

- Maintain roof ridge capping/tiles	\$5,375
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<u>Total Forecast Expenditure for year - September 2031 (Inc GST):</u>	<u>\$213,065</u>
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Includes GST amount of :	\$19,370
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September 2032		Expense Inc GST
SUPERSTRUCTURE		
- Provision to replace balustrades in 15 years (partial accrual)		\$9,313
- Capital Replacement - General		\$2,280
<u>Total Forecast Expenditure for year - September 2032 (Inc GST):</u>		<u>\$11,593</u>
Includes GST amount of :		\$1,054
September 2033		Expense Inc GST
SUPERSTRUCTURE		
- Replace window fixtures and fittings		\$933
- Capital Replacement - General		\$2,394
DRIVEWAY		
- Provision to replace individual garage doors in 20 years (partial accrual)		\$10,039
EXTERNAL WORKS		
- Maintain common pipework		\$3,556
ROOF		
- Provision to replace guttering/downpipes in 20 years (partial accrual)		\$25,928
<u>Total Forecast Expenditure for year - September 2033 (Inc GST):</u>		<u>\$42,850</u>
Includes GST amount of :		\$3,895
September 2034		Expense Inc GST
SUPERSTRUCTURE		
- Capital Replacement - General		\$2,514

FENCING

- Provision to replace timber fencing in 13 years (partial accrual)	\$7,467
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ROOF

- Maintain roof ridge capping/tiles	\$6,223
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<u>Total Forecast Expenditure for year - September 2034 (Inc GST):</u>	<u>\$16,204</u>
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Includes GST amount of :	\$1,473
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September 2035	Expense Inc GST
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SUPERSTRUCTURE

- Capital Replacement - General	\$2,640
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DRIVEWAY

- Maintain bitumen driveway (Patchwork)	\$6,969
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- Maintain concrete driveway 20% of total	\$2,287
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EXTERNAL WORKS

- Ongoing partial maintenance of pathways 10% of total	\$4,574
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<u>Total Forecast Expenditure for year - September 2035 (Inc GST):</u>	<u>\$16,469</u>
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Includes GST amount of :	\$1,497
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September 2036	Expense Inc GST
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SUPERSTRUCTURE

- Provision to replace balustrades in 15 years (partial accrual)	\$11,320
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- Capital Replacement - General	\$2,772
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DRIVEWAY

- Maintain carports	\$2,287
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EXTERNAL WORKS

- Provision to remove/trim trees	\$4,489
<u>Total Forecast Expenditure for year - September 2036 (Inc GST):</u>	<u>\$20,867</u>
Includes GST amount of :	\$1,897

Item	Current Cost	Year 1st Applied	Remain Life/ Next Interval	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
FURNITURE & FITTINGS																		
- Maintain signage	\$400	2029	15								650							
- Provision to replace mail boxes	\$1,800	2030	35									3072						
ROOF																		
- Maintain roof ridge capping/tiles	\$3,000	2022	3	3465			4011			4643			5375			6223		
- Provision to replace guttering/downpipes in 20 years (partial accrual)	\$13,125	2029	4							21331					25928			
Total				9023	5351	4043	6263	8160	9157	14181	24718	16658	213065	11593	42850	16204	16469	20867
Includes GST amount of				820	486	368	569	742	832	1289	2247	1514	19370	1054	3895	1473	1497	1897

ITEMISED ACCRUALS BY YEAR

Item	Current Cost	Year 1st applied	Remain Life/ Next Interval	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
SUPERSTRUCTURE																		
- Repaint all previously painted building surfaces	\$110,500	2031	10	15741	32270	49624	67847	86980	107071	128166	150315	173572	197992	25641	52564	80833	110515	141682
- Replace window fixtures and fittings	\$472	2025	4	147	301	462	632	178	365	562	768	216	444	682	933	263	539	829
- Provision to replace balustrades in 15 years (partial accrual)	\$4,950	2028	4	941	1929	2967	4056	5200	6401	7662	2161	4429	6812	9313	2626	5384	8280	11320
- Capital Replacement - General	\$1,212	2022	0	1400	1470	1543	1621	1702	1787	1876	1970	2068	2172	2280	2394	2514	2640	2772
DRIVEWAY																		
- Maintain bitumen driveway (Patchwork)	\$3,200	2023	4	1893	3881	1094	2244	3450	4717	1330	2727	4194	5734	1617	3315	5097	6969	1965
- Maintain concrete driveway 20% of total	\$1,050	2030	5	163	333	512	700	898	1105	1323	1552	1792	414	848	1305	1784	2287	528
- Provision to replace individual garage doors in 20 years (partial accrual)	\$5,082	2033	4	631	1293	1988	2718	3485	4290	5135	6023	6955	7933	8960	10039	2831	5804	8925
- Maintain carports	\$1,000	2026	5	254	521	801	1095	1404	324	665	1022	1398	1792	414	848	1305	1784	2287
EXTERNAL WORKS																		
- Maintain common pipework	\$1,800	2027	6	390	800	1230	1681	2155	2653	523	1072	1648	2253	2889	3556	701	1436	2208
- Ongoing partial maintenance of pathways 10% of total	\$2,100	2030	5	325	666	1025	1401	1796	2211	2646	3104	3584	828	1697	2610	3568	4574	1056
- Provision to remove/trim trees	\$1,963	2024	12	793	1626	2500	282	578	889	1216	1558	1918	2296	2693	3110	3547	4007	4489
FENCING																		
- Provision to replace timber fencing in 13 years (partial accrual)	\$3,600	2022	4	4158	1173	2404	3697	5054	1425	2922	4493	6143	1732	3551	5461	7467		

Item	Current Cost	Year 1st applied	Remain Life/ Next Interval	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
FURNITURE & FITTINGS																		
- Maintain signage	\$400	2029	15	68	140	215	293	376	463	554	650	63	128	197	270	346	426	510
- Provision to replace mail boxes	\$1,800	2030	35	279	571	878	1,201	1,539	1,895	2,268	2,660	3,072	188	385	591	809	1,037	1,276
ROOF																		
- Maintain roof ridge capping/tiles	\$3,000	2022	3	3465	1272	2608	4011	1473	3019	4643	1705	3495	5375	1974	4047	6223		
- Provision to replace guttering/downpipes in 20 years (partial accrual)	\$13,125	2029	4	2234	4579	7042	9628	12343	15194	18188	21331	6016	12332	18964	25928	7312	14989	23051
TOTAL ACCRUALS				23859	47474	72850	96843	120451	144652	165498	178392	203904	35360	70512	76747	113780	148817	182030

* Bold blue items listed above are expense items that occur in that year.





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Sanctuary Pest Management

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Regular Visual Termite Inspection Report in Accordance with AS 3660.2-2017



17 - 19 Mahogany Dr , Byron Bay

Purpose Of Inspection:

The purpose of this inspection is to give advice about the condition of the property with regard to subterranean termites.

INSPECTOR DETAILS

Name Of Inspection Firm:	Sanctuary Pest Management
Contact Phone:	0266854490
Technician Name:	Brad Purtell
Report Prepared Date:	28/03/2023

CONTACT DETAILS

Inspection Requested By:	Curtis Strata PO BOX 551 Yamba NSW
Inspection Requested For:	Same as Inspection Requested By
Cost Billed To:	Same as Inspection Requested By
Contact For Access:	Same as Inspection Requested By

INSPECTION DETAILS

Property Inspected Details:	17 - 19 Mahogany Dr Byron Bay NSW 2481
Inspection Date/Time:	29/03/2023 1:00 PM
Weather Condition(s):	Overcast, Raining, Intermittent Rain
Standard Tools Used:	Binoculars, Compass, Knife, Ladder (3.6m), Magnifying Glass (x10), Moisture meter, Powerful Torch, Sounding Device, Stepladder (2.1m), Screwdriver

TERMITE REPORT SUMMARY

The Summary section is not the complete Report and therefore cannot be relied on completely. The full report must be read together with the summary.

ACCESS

Are there any Area(s) and/or Section(s) to which Access should be gained? Yes

For complete and accurate information You must refer to the following complete Termite Report.

TERMITE ACTIVITY

Were active subterranean termites (live specimens) found in any of the structures inspected?	No
Were active subterranean termites (live specimens) found on the site improvements (for termite activity in structures please see above)?	No
Was visible evidence of subterranean termite workings or damage found in any of the structures inspected?	No
Was visible evidence of subterranean termite workings or damage found on the site improvements (for termite evidence in structures please see above)?	No
Overall Degree of Risk of Termite Infestation:	High

1: STRUCTURE(S) INSPECTED:

1.1 STRUCTURE NAME: Cavanbah

STRUCTURAL DETAILS

Structure Type:	Double Storey, TownHouse
Orientation:	N/A
Areas Inspected:	Internal & external areas of property including roof voids & subfloors Areas Not Inspected: No inspection was made, and no report is submitted, of inaccessible areas. These include, but may not be limited to, concealed frame timbers, eaves, areas concealed by concrete floors, wall linings, soil, landscaping, rubbish, floor coverings, furniture, pictures, appliances, stored items, insulation, hollow blocks/posts. Furnishings, furniture & stored items were not inspected.
Furnished:	Yes
Foundations:	Brick Piers
Exterior Walls:	Brick Veneer - Bagged, Timber Frame - Cladding
Roof Structure/s:	Trussed
Roof Covering/s:	Concrete tile
Flooring:	Concrete Slab, Tongue and Groove Strip

INSPECTION ZONE

Is there a Termite Inspection Zone Present?	Yes Inspection Zone Type: Metal Shield
Is the Inspection Zone Clear?	Yes.

Where the report indicates that there is a termite inspection zone, it must be maintained for future inspections.

Where the report indicates that there is no termite inspection zone, some other form of termite risk management needs to be put in place to protect this property.

A Termite Inspection Zone is an unobstructed space which the termites must cross or pass around in order to gain access to a building or structure. As a consequence their presence should be revealed during a visual inspection.

ACCESS ISSUE - Subfloor

Access Issue Type: No Access
Reason(s) Why: No access to subfloors at units 4 and 13

ACCESS ISSUE - Roof Void

Access Issue Type: Restricted Access
Reason(s) Why: Insulation

IMPORTANT: If a complete Inspection of the above areas was not possible, timber pest activity and/or damage may exist in these areas. Further Inspections are strongly recommended to the areas where Reasonable Access is Unavailable, Obstructed or Restricted or a High Risk of possible Termite Activity and/or Damage exists.

CONDUCTIVE CONDITIONS TO TIMBER PEST INFESTATION AND/OR TERMITE ENTRY

Subfloor Conditions: Moisture Issues Present, Timber on Ground Present, Ventilation Issues Present

Exterior Conditions: Fungal Decay, Weep Holes Obstructed
IMPORTANT: The presence of conducive conditions is a termite management hazard as it can allow undetected termite entry or compromise the effectiveness of the installed termite system. It is the owner's responsibility to remove or modify these hazards.

Interior Conditions: Fungal Decay

Roof Void Conditions: None

Was Vegetation Found Against or Within 5 Metres of the Structures: No Vegetation Found Against Structures
IMPORTANT: Vegetation on or against the structure is a termite management hazard as it can allow undetected termite entry or compromise the effectiveness of the installed termite system. It is the owner's responsibility to remove or modify these hazards.



No metal shields on wall in subfloor unit 14



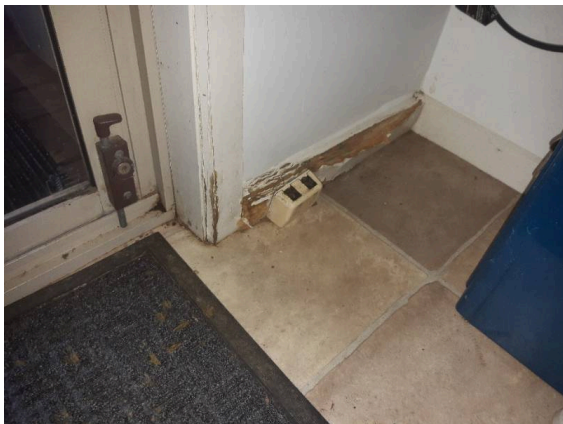
Example of moisture issues in unit 5 subfloor. No water pooling this is evident in most subfloors.



Scrap timber in subfloor unit 8 .



Example of timber decks at front of properties conceal weep holes.



Skirting board at back door unit 3 has swollen due to water damage.

STRUCTURE TERMITE ISSUES

No structure termite issues were identified on the day of inspection.

2: SITE IMPROVEMENTS:

SITE CONDUCTIVE CONDITIONS PRESENT

Conductive Conditions Present:

Yes. Site adjacent to wooded areas., Garden beds near or against structures, Mulched areas, Poor Site Drainage, Fungal Decay
IMPORTANT: Our firm cannot accept responsibility for termite attack damage resulting from your failure to rectify the conducive conditions outlined in this report. Also refer to SECTION 3.15 for further information.

Was susceptible vegetation, deadwood, stumps, trees or roots (+50mm diameter) found on the property and within 5 metres of the structure?

No

IMPORTANT: Vegetation on or against the structure is a termite management hazard, as it can allow undetected termite entry or compromise the effectiveness of an installed termite system. It is the owner's responsibility to remove these hazards. Also refer to SECTION 3.15 for further information.

Were there susceptible trees found within 5m of the structure that may grow over 10 metres height?

No

IMPORTANT: Where trees that can grow above 10 metres and within 5 metres of the structure are present, it is recommend you consult an arborist as to the management or removal of the trees and local council be consulted about their tree management regulations.

Were there susceptible trees greater than 200mm diameter on the property and more than 5 metres and less than 50 metres from the structure?

No

SITE ACCESS ISSUES

No site access issues were identified on the day of inspection.

SITE TERMITE ISSUES

No site termite issues were identified on the day of inspection.

3. TERMS AND CONDITIONS

1. The Inspector inspected all timber structures such as, decking, extensions, patios, dividing fences, retaining walls constructed with timber, tree stumps within 30 metres of the main building and inside the property boundary.
2. The inspection and report are provided in accordance with the Australian Standards (as amended from time to time) to provide a report on termite activity.
3. This regular termite Inspection was carried out in accordance with AS3660.2 – 2017 Termite management: Part 2.

4. This report is an assessment of areas which the Inspector can see and access to determine the existence or evidence of activities of Subterranean termites.
5. Any restricted areas, structures, furniture which prevent or hinder visual inspection was not moved. The inspector did not undertake any invasive digging, cutting, separated, or pulled apart to gain access.
6. The client acknowledges that a building has many concealed areas and there is no access to some roof areas or areas between floors or eaves because they are simply too low. Floor coverings can be restricted by furniture and belongings. The Inspector did not inspect areas which did not have the minimum space required for inspection as follows: (a) beneath a floor – vertical clearance not less 40 cm; (b) exterior walls or roof and ceilings will only be inspected if it can be reached safely having regards to work and safety by use of a safe ladder or step ladder which can be extended to a maximum of 3.6 metres from ground level; (c) roof void minimum access size must not be less than 45 cm by 40 cm with vertical space 60 cm X 60 cm for reasonable movement
7. The Client acknowledges that some defects may not be visible nor reported because of weather condition existing at the time of inspection
8. The Inspection did not include the following: (a) any areas which cannot be seen; (b) areas which are obstructed or areas which cannot be assessed readily and safely; (c) Identify or report on the exact cause of the damp defects including rising damp and condensation; in order to identify such cause an invasive and/or specialist inspection will be required; (d) Serviceability damp defects including rising damp and condensation; (e) Body Corporate common property; (f) Mould; (g) Asbestos materials; (h) Magnesite materials; (i) Foundations footings
9. The Inspector is not required to provide any estimate of repairs and if such estimates are given then it is given as a guide and not to be relied on in determining the likely costs of repairs. The Client shall engage a builder, engineer and other trades to obtain proper quotations for any repairs.
10. Mediation. In the event of any claim, dispute or other matter arising out of or relating to this Agreement, the parties shall attempt to resolve any dispute amicably at a meeting to be attended by a person nominated by the Australian Mediations Association Limited. The parties shall bear equally the costs of the mediation.
11. Other than inspections conducted in the Australian Capital Territory (ACT) third parties cannot rely on this report; see The Civil Law (Sale of Residential Property) Act 2003 ACT as amended establishes a process for the making and exchange of contracts for the sale of residential property in the ACT. The ACT Act details documents that must be obtained and made available to the buyer for inspection before a residential property is offered for sale. These documents include building inspection reports. The aim is to enhance consumer protection by giving buyers all the relevant information about the property they intend to purchase. Building inspectors are also required to advise when reports on a property have been prepared for an intending seller. This information is then recorded in a public register in the ACT only.
12. WARNING: It is recommended that the client engages the relevant consultants or builders to investigate and rectify all defects raised in this report otherwise the defects may deteriorate and cause further damage or problems.

13. Exclusions The Inspection report does not include the following: (a) the detection of Drywood termites (e.g. *Cryptotermes brevis*) or any exotic Timber Pests as Drywood termites typically live entirely inside a piece of timber with no visible evidence. (b) An assessment of the extent or degree of damage caused by Timber Pests as this can only be determined by invasive investigations by other consultants such as plumbers, builders, and engineers. (c) The detection of non-timber destroying pests on the property such as bedbugs, cockroaches, fleas, rodents etc. Accordingly, these are not defined as Timber Pests and so are not covered within the scope of Inspection. (d) The inspection does not include any preventative advice or action plans.
14. Glossary- The following definition is to assist you to understand the report: Subterranean termites also commonly known as "white-ants" are a highly destructive timber pest of the Order Isoptera capable of causing major structural timber damage to buildings. Visible Evidence There are clear signs or evidence of timber damage and/or workings caused by Subterranean termites activity No Visible Evidence The Inspector did not detect any visible signs or indication of the presence or activity of Subterranean termites High Risk Having regards to the building structure, environment and conditions that there is a high degree of the existence of infestation or Subterranean termites' activity. Serious Safety Hazard is a matter or thing may be regarded as an immediate or imminent risk to life, health or property.
15. Further Notations- The Report is not to be taken as a guarantee but is an opinion of the Inspector of the existence of any infestation. This is not a report on the structure the building works and if the client requires such a report then the client should engage the appropriate consultant to obtain the reports.
16. Access Comments- Reasons areas did not have reasonable access: Sub Floor level Example: No inspections of those parts of sub floor area because insufficient clearance. Roof Void Example: No inspections in those parts of roof cavity due to existence of ducting or insulation materials or insufficient clearance. Visual inspections: No inspections of areas because of Visual obstruction -reasons Areas Obstructed not inspected because of existence of: Example carpet, cupboards & furniture

Actions that help to reduce the risk of termite activity and termite damage to timber:

1. Inspect surroundings of your home –keep vegetation, trees plants or garden beds well away of building weep holes and building lines.
2. Repair leaks or moisture issues like inadequate drainage, leaking taps or pipes or poor ventilation.
3. Do not accumulate materials under the house as they reduce ventilation space.
4. Ensure that there is no timber on the ground in proximity of the dwelling house or structure.
5. When building and renovation be aware that some building materials or methodology can reduce termite risks.
6. Arrange for timber pest inspection at least once a year and adopt their recommendations.

4: FINAL DETAILS:

TERMITE MANAGEMENT STICKER

Is there a Termite Management Sticker? Yes
WARNING: This firm can give no assurances with regard to work that may have been previously performed by other firms. You should obtain copies of all paperwork and make your own inquiries as to the quality of the treatment, when it was carried out and warranty information. In most cases you should arrange for a treatment in accordance with 'Australian Standard 3660' be carried out to reduce the risk of further attack.

Type of Treatment: Post-Construction

The location of the termite sticker is: Electrical Meter Box

Image of Termite Management Sticker



Did you find evidence of a sticker that has since been removed? No

Evidence of Previous Treatment: Monitoring Stations

Chemical soil treatment identified: No

Environmental Termite Pressure: Level of Termite Pressure: High
Overall Degree of Risk of Termite Infestation: High

RECOMMENDATIONS

Termite Management Recommendation: A previous termite management system installed by us is current

Frequency of Further Inspections: 12 months

Other Inspections Recommended: No

FUTURE INSPECTIONS: AS 3660.2-2017 recommends that inspections be carried out at intervals no greater than annually and that, where termite "pressure" is greater, this interval should be shortened. Inspections WILL NOT stop termite infestation; however, the damage which may be caused will be reduced when the infestation is found at an early stage.

GENERAL COMMENTS

No live termites located at time of inspection. Renewed all termite stations.
Subfloors are still damp in some areas but are much better than previous years.

SIGNED BY INSPECTOR

Inspector Name: **Brad Purtell**

License Number: **5073805**

Date: **28/03/2023**

Signed: 

Residential Strata Insurance

Certificate of Currency

Policy Number: HU0006117109



Certificate Date 17 November, 2023

Insurer QBE Insurance (Australia) Limited
ABN: 78 003 191 035
AFSL: 239545

Important Information

This certificate confirms that from the certificate date noted above, a Policy existed for the sums insured shown.

It is not intended to amend, extend, replace or override the Policy terms and conditions. This certificate is issued as a matter of information only and confers no rights on the certificate holder.

Period of Cover 30/11/2023 to 30/11/2024 at 4pm

Insured The Owners - Strata Plan 50149

Interested Parties None

Situation 17-19 Mahogany Drive, BYRON BAY, NSW, 2481

Cover

Insured Property	Insured
Building	\$6,564,495
Common Area Contents	\$65,645
Loss of Rent & Temporary Accommodation (total payable)	\$984,674
Optional Benefit Paint / Wall Paper	Selected
Floating Floorboards	Selected
Liability to Others	Insured
Limit of Liability	\$20,000,000
Fidelity Guarantee	Insured
Sum Insured	\$100,000
Voluntary Workers	Insured
Death	\$200,000
Total Disablement (per week)	\$2,000
Workers Compensation	Not Insured
Office Bearers Legal Liability	Insured
Limit of Liability	\$2,000,000
Machinery Breakdown	Not Insured
Catastrophe Insurance	Insured
Catastrophe Sum Insured	\$984,674

Residential Strata Insurance Certificate of Currency

Policy Number: HU0006117109



Extended cover - Loss of Rent & Temporary Accommodation	\$147,701
Escalation in Cost of Temporary Accommodation	\$49,233
Cost of Removal, Storage and Evacuation	\$49,233
Government Audit and Related Covers	Insured
Government Audit Costs	\$25,000
Appeal expenses - common property health & safety breaches	\$100,000
Legal Defence Expenses	\$50,000
Lot Owners Fixtures and Improvements (per lot)	Insured
Lot Owners' Fixtures and Improvements (per lot)	\$250,000
Flood Cover	Insured