

Compliance Group Recommendation

Strata Committee Rules

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1. Strata Committee

Generally

- 1.1 The strata committee is a group elected by the owners corporation to represent owners or owners' nominees. It administers the day-to-day running of the owners corporation and is elected at each annual general meeting;
- 1.2. Any decision made by the strata committee is treated as a decision of the owners corporation although there are some matters that the strata committee does not have the power to make. No individual strata committee member can make a decision for the owners corporation.

Strata Committee Roles

- 1.3 The chairperson chairs and manages the meetings of the strata committee and the owners corporation.
- 1.4 The treasurer is responsible for the oversight of the budget and all financial matters of the owners corporation, including the approval of invoices. The treasurer's functions are delegated to the managing agent under the agency agreement.

- 1.5 The secretary assists the managing agent in the preparation of agendas, minutes and the issuing of correspondence to owners. The secretary's functions are delegated to the managing agent under the agency agreement.
- 1.6 The members contribute to the decisions of the Strata Committee.

2. Code of Conduct of Strata Committee Members

Strata Committee General Principles

- 2.1 Each member of the committee agrees to abide by the following code of conduct:
- (a) To be committed to acquiring an understanding of the Strata Schemes Management Act 2015 (the Act), these rules and all by-Laws concerning this owners corporation;
 - (b) To act honestly and fairly and not to unreasonably disclose information held by the strata scheme, including information about an owner;
 - (c) To act in the best interests of the owners corporation unless it is unlawful to do so;
 - (d) To comply with the Act, this Code and all rules/by-laws concerning this strata scheme;
 - (e) Not to cause a nuisance or otherwise behave in a way to bring disrepute or diminish the good reputation of this committee;
 - (f) To respect fellow members opinions and differences and foster a spirit of teamwork and co-operation;
 - (g) To be committed to attending all meetings of the strata committee and the owners corporation;
 - (h) To comply with strata committee process and procedure as determined by the strata committee from time to time;
 - (i) To disclose to the strata committee any conflict of interest the member may have in a matter before the strata committee; members are not to vote on such matters;
 - (j) To declare any interest, either personal or financial, in the outcome of any issue before the Strata Committee, and thereafter excuse himself/herself from any further participation in any discussions, decisions or voting with respect to that issue.

Strata Committee Members Operating Principle

- 2.2 Each member of the committee agrees to abide by the following operating principles:

- (a) Strata committee members will work together for the benefit of the owners corporation and not for their own personal agendas;
- (b) Decisions of an strata committee will be on a majority basis and undertaken at strata committee meetings;
- (c) Discussion will be respectful, honest and fair;
- (d) Strata committee members will listen to the opinions of other members;
- (e) Strata committee members will trust and support other strata committee members in carrying out their assigned duties;
- (f) The views of contracted agents will be welcomed and listened to with respect;
- (g) In items where strata committee members do not all agree, the strata committee, as a whole, will work together to support the decision of the strata committee;
- (h) Strata committee members will adhere to the strata committee processes and procedures at all times;
- (i) Where Strata Committee members are reported to have transgressed the Code of Conduct the committee will seek resolution with member in person advising of reported transgressions and request future compliance;
- (j) Where continual Code of Conduct transgressions are reported the Strata Committee will request the resignation of the member and for a replacement member to be elected by the Strata Committee;
- (k) Where the member refuses the request to tender resignation the Strata Committee may convene an Extraordinary General Meeting with a motion for the removal of the transgressing member and the election of a replacement member.

Strata Committee Meetings

- 2.3 Formal strata committee meetings will be held bi-monthly, monthly or quarterly or as agreed by the committee;
- 2.4 The strata committee meetings are to be attended by the Strata Manager, building manager and the strata committee members;
- 2.5 The strata committee meetings will commence at 6.00pm and run for a maximum of two (2) hours;
- 2.6 The agendas of strata committee meetings will not exceed twenty (20) motions;
- 2.7 The building manager will issue the building manager's report, quotation reports and all supporting documentation to the strata managing agent ten (10) days prior to the meeting for inclusion in the agenda;

- 2.8 Strata committee members are required to advise of their inability to attend an Strata committee meeting with the Strata Manager prior to the meeting to ensure a quorum is obtained;
- 2.9 Each member of the strata committee is expected to read all documentation prior to meeting.

Strata Committee Day-to-Day Procedures

- 2.10 Informal meetings will be held monthly or as agreed by the Committee;
- 2.11 Respectful discussion of day-to-day matters is to be undertaken on email if required;
- 2.12 All emails are to include the Strata Manager to ensure that the owners corporations books and records are complete;
- 2.13 The Chairperson or a nominee acting as a delegate is the nominated person to give directions and/or instructions to the Strata Manager, and Building Manager or other contractors on day to day matters unless otherwise directed by the strata committee;
- 2.14 All committee members to circulate a reply to correspondence seeking direction within two (2) business days for urgent matters or works or within five (5) business days for non-urgent matters or works (urgent matters to be indicated when circulating email). No reply will be taken as approval;
- 2.15 The Treasurer and in their absence the Chairperson to approve nonstandard invoices excluding general maintenance invoices with the Building Manager to approve these. Utility invoices do not require approval and to be paid by the Strata Managing Agent;
- 2.16 Service complaints regarding Building Management should be referred to the Building Manager in the first instance, who shall communicate the issue to the Strata Manager and Chairperson;
- 2.17 When owners make enquiries or complaints about any financial, by-law or regulatory matters, committee members must refer them to the Strata Manager;
- 2.18 Escalation of service complaints about Strata Management services should be directed to the Chairperson as the designated contact in the Strata Management Agency Agreement.

3. Repairs and Maintenance

- 3.1 All repairs and maintenance issues are to be reported to the building manager;
- 3.2 The building manager will investigate matters arising and report the status of such to the strata committee and Strata Manager;

- 3.3 All quotations, tenders and contractual arrangements are to be submitted to the Strata Manager prior to strata committee Meetings for consideration;
- 3.4 Quotations for Erko above expense threshold limits for Building Manager of \$1,000 to be circulated to strata committee by email where decisions are required between committee meetings;
- 3.5 Non urgent works above \$5,000 will only be considered for approval at strata committee meetings;
- 3.6 Note: Urgent works are classified as an item which requires immediate attention such as loss of an essential service (i.e. water, electricity or gas) or a repair that will cause additional subsequent damage to common or personal property, or a repair required for OHS reasons).

4. Applications for Approval from Lot Owners

- 4.1 All applications for formal approvals shall be submitted to the Building Manager / Strata Managing Agent in writing;
- 4.2 The Building Manager and/or the Strata Managing Agent, whoever is appropriate, will review the application and advise the applicant if additional information is required to be submitted;
- 4.3 If standing approval of the application is not possible under the adopted forms and by-laws the Building Manager and/or Strata Managing Agent will advise the applicant of the date for the next strata committee meeting whereby the application will be considered (but not necessarily approved) and that a response will be issued to the applicant following that meeting;
- 4.4 The Strata Managing Agent will include the application on the next meeting agenda;
- 4.5 The Building Manager and/or Strata Managing Agent will issue application approval or decline letters following a formal decision being made by the strata committee.

5. By-Law Breach Compliance

- 5.1 All by-law breach compliance complaints and/or correspondence from lot owners are to be submitted to the Building Manager in writing;
- 5.2 The Building Manager will review the by-law breach compliance complaints and/or correspondence and advise the author if additional supporting documentation or evidence of the by-law breach is required to be submitted;
- 5.3 If the issue is unable to be resolved informally, and the complaint is pressed, the complainant must lodge with the Building Manager a formal written complaint;

- 5.4 The Building Manager shall, if it thinks fit, issue a warning notice, and serve it upon the owner or occupier to whom the complaint is directed;
- 5.5 If a further formal complaint is made against the same owner or occupier, the Building Manager shall serve a further warning notice;
- 5.6 If a third formal complaint is received against the same owner or occupier, the Building Manager shall refer the complaint to the Strata Committee for attention;
- 5.6 The Building Manager will provide the correspondence to the strata committee for consideration and advice on how the issue should be addressed;
- 5.7 Unless the Complainant waives in writing confidentiality, the complainant's details must be kept strictly confidential, except from the members of the Strata Committee;
- 5.8 Each member of the Strata Committee must keep all details of the Complainant and complaint confidential, except amongst members of the Strata Committee, or the Building Manager and/or the Strata Manager, unless confidentiality is waived by the Complainant in writing;
- 5.9 The Strata Committee shall appoint one of its members to investigate the complaint, advise whether any law or by-law has been breached, and recommend what action, if any, should be taken. The action considered shall include:
- (a) the issue of of a formal warning letter from the Strata Manager
 - (b) placing the matter on the agenda at the next formal Strata Committee meeting to consider the issue and service of a formal "Breach Notice" by the Strata Manager;
 - (c) the issue of proceedings in NSW Civil and Administrative Tribunal.

6. Confidentiality

- 6.1 Each strata committee member shall keep all:
- (a) details relating to Strata Committee affairs confidential,
 - (b) owners details (including fellow strata committee members) and all occupants' contact details (including address, phone numbers and email addresses) confidential at all times;

EXCEPT in relation to correspondence or discussions with the Building Manager or Strata Manager.

7. Correspondence

- 7.1 The Secretary shall deal with:
- (a) all incoming external party routine correspondence by responding to it, and copying in the Chairperson, and Strata Manager, and;

- (b) all external non-routine correspondence or issues raised in such correspondence in accordance with the “Informal Decision Making Process” in these rules;
- 7.2 Normally, all outgoing correspondence to third parties shall be sent by the Secretary, with the authority of the Strata Committee or the Chairperson. A member of the Strata Committee shall not send any correspondence to any third party, unless approved by the Chairperson.
- 7.3 Correspondence between members of the Strata Committee, or between members of groups, and vertical correspondence between Chairperson, Secretary and Treasurer is encouraged;
- 7.4 All correspondence amongst members is to be by email unless reason dictates otherwise.

8. Authority of Strata Committee Members

- 8.1 No member, excepting the Chairperson, or unless authorised by these rules, shall have any authority to incur an obligation, or bind the Strata Committee without the written authority of the Strata Committee given through the Secretary.

9. Groups

- 9.1 The following sub-committees (herein called “groups”) are created, and the proposed responsibility areas are:

| Group Name | Responsibilities |
|-----------------------|--|
| Finance | <ul style="list-style-type: none"> • Financial Issues |
| Building & Equipment | <ul style="list-style-type: none"> • Building maintenance • Equipment maintenance • Building Defects |
| Grounds & Gardens | <ul style="list-style-type: none"> • Ground maintenance • Garden maintenance |
| Compliance/Governance | <ul style="list-style-type: none"> • Compliance issues • By-laws • Records • Documents |
| Communications | <ul style="list-style-type: none"> • Communication issues • Management of website • Newsletter • Signage |

- 9.2 The Chairperson will be an ex-officio member of all groups, attending meetings by invitation.
- 9.3 Each group shall:
- (a) deal with issues arising under their responsibility area referred by the Secretary or Chairperson, and liaise with the Building and/or Strata Managers as required;

- (b) develop a list of priorities / action checklists and make suitable recommendations to the Strata Committee as a whole for any final decisions to be taken;
- (c) prepare a checklist of key issues in order to help establish priorities;
- (d) submit a written recommendation with respect to any issue placed upon the agenda for the next Strata Committee meeting;
- (e) report to the informal Strata Committee meetings, orally or in writing;
- (f) submit a report for publication to the members of the strata scheme on request by the Chairperson;
- (g) prepare, regularly update, and file with the Secretary, any procedures and protocols with respect to the operation of the building and equipment in it.

10. Informal Decision Making Process

- 10.1 This process governs informal decisions (but not day to day matters) made outside formal Strata Committee meetings;
- 10.2 An issue, excluding a day-to day issue, shall first be raised with the secretary by any Strata Committee member;
- 10.3 The secretary shall, if the secretary deems it appropriate, upload the issue to Dropbox by way of the "Issue" document and invite the appropriate group to review the issue and make a recommendation upon the form;
- 10.3 Once the relevant group has completed the review and recommendation, the secretary shall invite all members of the Strata Committee to make any further comment in the form by "insert comment" or "track changes";
- 10.5 If there are no objections from any member, the issue may be acted upon by the Chairperson, Treasurer, Secretary or Group member as appropriate;

11. Policies

Fobs

- 11.1 There are two types of Fobs, enabling access to the buildings, namely Large Fobs (known as "Remotes", and Small Fobs (known as "Swipes"). Each Fob is programmed to be allocated to a unit in the buildings;
- 11.2 Swipes are normally programmed to enable access to the foyer and lift of the building to which the unit is situate. Remotes are normally programmed to enable vehicular access to the car parking via the front roller door, as well as access to the same areas as the Swipes;

- 11.3 Normally, only one Remote shall be issued and held by an owner for each approved car space (namely, approved for the parking of one car) forming part of the unit to which the Large Fob is allocated;
- 11.4 An owner may apply to the Strata Committee for the issue of an additional Remote or Swipe, in which case the following shall apply:
- (a) The owner or occupier shall make application to the Strata Committee, and shall support that application with all documents that the Strata Committee requires;
 - (b) The Strata Committee will consider the application on its merits;
 - (c) Each application shall be considered on a case by case basis, and no precedent shall be deemed to have been set with respect to any decision;
 - (d) An approval, if given, shall be personal to the applicant;
 - (e) A record of each decision shall be kept, and;
 - (f) The Strata Committee shall notify the applicant owner notified formally in writing;
 - (g) Normally, the owner of a car space shall not be entitled to an additional Remote for the use of the lessee, but may hand over to that lessee the corresponding Remote for that car space for the duration of the lease;
 - (h) Normally, approval will not be given for a Remote or Swipe to be programmed to permit a person, who is not a resident, to access the car park, on security grounds.
- 11.5 Owners or Occupiers at East at Erko (known as "Building D", which is a separate strata plan to Erko) have the right to five allocated parking spaces in the buildings. The rules above have no application to Owners and Occupiers of East at Erko, excepting 11.4(h).
- 11.6 Each member of the Strata Committee is entitled to have their small Fob programmed to enable access to all parts of the buildings.

Animals

- 11.7 The by-laws provide:

Permitted Animals

- 9.1 An Owner or Occupier may, without the written consent of the Owners Corporation, keep any of the following:
- (a) one enclosed fish aquarium;
 - (b) one caged bird;
 - (c) one cat;
 - (d) one dog (but not an Excluded Dog).

Consent

- 9.2 An Owner or Occupier must obtain the written consent of the Owners Corporation before that Owner or Occupier keeps:

- (a) any type of animal that is not listed in by-law 9.1 above; or
- (b) an excluded dog, or;
- (c) more than one dog; or
- (d) more than one cat; or
- (e) more than one caged bird; or
- (f) more than one enclosed aquarium.

11.8 The following rules shall apply to an application for approval keep an animal or animals which would otherwise breach the by-laws:

- (a) The owner or occupier shall make application to the Strata Committee, and shall support that application with all documents that the Strata Committee requires;
- (b) The Strata Committee will consider the application on its merits;
- (c) Each application shall be considered on a case by case basis, and no precedent shall be deemed to have been set with respect to any decision;
- (d) An approval, if given, shall be personal to the applicant;
- (e) A record of each decision shall be kept, and;
- (f) The Strata Committee shall notify the applicant owner notified formally in writing.