

The Brunswick Newsletter

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READ THE COMPLETE NEWSLETTER ON THE WEBSITE

The full Newsletter can be viewed on *The Brunswick* Website at the address below – for best results cut and paste the link into your browser.

Past Newsletters, Executive Meeting Agendas and Minutes and a host of other useful reference material is also available on the website.

<https://sites.google.com/a/brunswickterrigal.com/the-brunswick/home>

From the Chairman of the Executive Committee

You will have received by now your letter from our Strata Manager informing us of their decision to resign. I would like to take this opportunity to thank Elite for their services and to acknowledge the role they have played since the first days, back in 2005, in the running of The Brunswick. We publicly acknowledge Karen Thompson who has managed our portfolio and Debbie Couzens the Licensee-in-charge of Elite Strata. We wish them every success in the future.

At the AGM to be held in July there will be a formal motion to receive and accept the resignation. We will also be proposing a motion to endorse the selection of a new Strata Manager and at the time of writing this we are well underway with the selection process. The Treasurer John Barton has established a panel of owners to review submissions from a number of suitable firms and the Executive Committee will make its final decision after hearing from the panel.

Due to personal reasons, Billie Coote has resigned from the Executive Committee. We would like to thank Billie for his enthusiastic contributions and will miss his friendly disposition at our meetings. Our 'new look' committee is functioning well and new members John Barton (our new Treasurer), Ann Conning and Les Simmons are each making significant contributions. These are busy times for the Executive Committee. We are working hard to prepare for the AGM and to that end we are finalising the painting proposals as well as dealing with the Ten Year Plan and the selection of a new Strata Manager.

Wayne Brown

Annual General Meeting

At the time of writing we plan to hold the AGM at the Terrigal Uniting Church Hall at 7.00 pm on Monday 18th July.

The Agenda is in the process of being finalised and will include statutory items as well as motions from owners.

Nominations are called for membership of the Executive Committee. Those intending to stand must complete a Nomination Form and as per the resolution passed at the last AGM submit a brief personal profile for inclusion with the AGM Notice.

The AGM will be conducted using formal meeting procedures with limited opportunities for wide ranging discussion. The EGM which will be held (at a time and place yet to be determined) prior to the AGM will provide a forum for discussion of matters to be raised at the AGM, including:

- The acceptance of the resignation of Elite Strata
- The nomination of a new Strata Manager
- The Painting proposal
- The Ten Year Plan
- Motions from Owners



The Executive Committee would like to acknowledge the significant contribution made by Billie Coote who has recently resigned from the committee. Billie will continue to keep an eye on the Pool and act as the liaison person with the new contractor.

Gate Codes

In a previous Newsletter we mentioned the fact that the security codes for our gates are apparently known throughout the wider community. This is a cause of concern for some residents but not apparently for everyone.

One of our Executive Committee members, Les Simmons, is looking into this issue. Before determining whether we should bring a resolution on this matter to the AGM we are asking again for your opinion.

Do you suggest we leave the situation as it is OR do you think we should change the gate codes for improved security?

Please email the Secretary with your opinion. If you have already responded we thank you - there is no need to do so again.

Email –
secretary@brunswickterrigal.com

GENERAL NOTICES

Noise

The [Protection of the Environment Operations \(Noise Control\) Regulation 2008](#) specifies the times when noise from domestic activities should not be heard in a neighbour's home. If a person fails to comply with a warning from the police or council for operating noisy equipment, such as power tools, sound systems, musical instruments, air conditioners, pool pumps or heat pump water heaters, during restricted times, an on-the-spot fine may be issued.

As a general rule please avoid having contractors work in your home before 7.00 am and after 8.00 pm on working days and before 8.00 am on Sundays.

For more information go to this link.

<http://epa.nsw.gov.au/noise/neighbourhoodnoise.htm>

The Brunswick By Laws state

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

Another key By Law relates to Additions to Common Property

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 except with the prior written approval of the owner's corporation.

For Insurance purposes the Owners Corporation needs to have a Register of all additions that have been made to Common Property.

Welcome to New Residents

We have a special welcome package for residents new to The Brunswick.

To view the relevant section on our website go to this link.

<https://sites.google.com/a/brunswickterrigal.com/the-brunswick/welcome-to-new-residents>

News from Fair Trading

Proposed Reforms

The Brunswick Executive Committee meets on a monthly basis, and sometimes more often to conduct business on behalf of the Owners Corporation.

The only meeting currently required by law is the annual meeting (AGM) where levies are set for the coming year and the executive committee is elected.

An AGM must be held every year within 11–13 months after the date of the last AGM. However, an owners corporation, strata managing agent or owner can apply to the Adjudicator for an order varying the time when the AGM must be held.

The State Government is planning reforms to the current Strata Act that will give the strata committee greater flexibility to determine when their annual general meeting is held. An owners corporation will simply be required to hold an annual general meeting once in each financial year.

As part of the planned reforms and continuing the drive towards flexible legislation, and the changes in modern communication, alternative methods to encourage meeting attendance through social media, video and teleconferencing will be able to be used once the reforms are adopted. Email will also be able to be used to distribute papers for meetings.

Until these reforms are fully legislated the Executive Committee is seeking to bring in a new By Law to allow us to use electronic communication to better effect within The Brunswick.

Interested in the proposed reforms? Have a look at Page 5 and for further information go to this link.

http://www.fairtrading.nsw.gov.au/ftw/About_us/Have_your_say/Reform_of_strata_laws.page#Overview_of_the_proposed_changes



Painting News

At the forthcoming EGM we will be discussing the Painting Proposal in depth. It will be necessary at the EGM to formulate or endorse the proposals that will go to the AGM to be voted on. The proposals will cover resolutions to, amongst other things:

- paint the complex
- approve finance
- define the scope of works
- confirm the colour scheme
- appoint a contractor
- determine quality control

In the meantime the Executive Committee is working with a firm of consultants – Tyrrell's, (see Page 6 for details about Tyrrell's) to identify the painting contractors who will be asked in a couple of weeks time to submit structured quotes.

We are also in the process of seeking advice from colour consultants about the painting palette, but before this news triggers alarm bells, please note that no major changes to the existing colour scheme are being planned.

Finally we are looking at the best methods of financing the project.

More on Strata Reform – from Fair Trading

http://www.fairtrading.nsw.gov.au/ftw/About_us/Have_your_say/Reform_of_strata_laws.page

To modernise strata laws, more than 90 law changes were passed by the NSW Parliament in 2015 and have not yet commenced. These laws will be administered by NSW Fair Trading with [NSW Land and Property Information \(LPI\)](#). For information on the changes, refer to our [Major changes to strata laws](#) page. NSW has more than 75,000 strata schemes worth \$350 billion in assets. The reforms will affect some 2 million industry professionals, strata owners, and residents in strata-titled townhouses and units.

What's happening now?

Fair Trading has now released the [draft Strata Schemes Management Regulation 2016](#) (PDF size: 357kb) and LPI has released the [draft Strata Schemes Development Regulation 2016](#) (PDF size: 259kb). These Regulations set out the detail for how the laws will operate.

To thoroughly consider the Regulations and questions about how they will work, refer also to the following documents:

- [Regulatory Impact Statement - Strata Schemes Management Regulation 2016](#) (PDF size: 940kb)
- [Regulatory Impact Statement - Strata Schemes Development Regulation 2016](#) (PDF size: 1.1mb).

This consultation closes on **27 May 2016**. Please comment on any improvements needed to help the Regulations operate effectively. To find out how, refer to the [Have your say](#) section below.

Have your say

Read the Regulation/s and provide your comments. You can also refer to the information on this page for an overview of what's in the Regulations. The deadline for comment is **27 May 2016**.

To lodge your written submission, email us at strataconsultation@finance.nsw.gov.au

Alternatively, you can post your comments on the draft Regulation/s to:

Draft Strata Regulations
Policy & Legislation
NSW Fair Trading
PO Box 972
PARRAMATTA NSW 2124

Ten Year Plan

One of the 'big items' to be brought to this year's AGM is the Ten Year Plan (or Sinking Fund).

So what is a Ten Year Plan and why is it so important?

A new provision of the *Strata Schemes Management Act 1996* came into effect in February 2005 (Section 75A). It requires the owners corporations of all new strata schemes, that is, those coming into existence from 7 February 2005 onwards to begin planning for their sinking fund needs for the following ten years. This provision stipulates that the preparation of a 10-year plan of anticipated sinking fund expenditure is to **commence** at the first Annual General Meeting (AGM) of the owners corporation and is to be **completed** by the second AGM. The plan is to be reviewed and adjusted if necessary by no later than the fifth AGM.

Contributions are to be levied on lot owners in the scheme in accordance with the 10-year plan.

The main aim of the 10-year sinking fund plan provision is to assist owners corporations in building up sufficient financial reserves so that expensive capital expenditure can be paid for when needed. This is designed to overcome the need to ask lot owners to pay large, one-off levies, any time a sinking fund expense arises.

Sinking funds are used to pay for such expenses as:

- painting of the building
- replacement of fencing
- driveway refurbishment
- replacement of common property items such as roofing and guttering
- swimming pool overhauls.

Owners corporations are required to have 10-year plans in place for the life of the scheme involved. When devising a 10-year plan, owners corporations may put the plan together themselves or engage outside experts to do the job for them. There are businesses that specialise in preparing sinking fund estimations but there is no obligation on owners corporations to use them. Some owners corporations may feel that they have sufficient internal expertise to carry out the task. It is a matter of choice for each scheme.

We have a Sinking Fund but it has not been formally approved at a General Meeting. At the 2016 AGM we will be putting forward a Ten Year Plan (Sinking Fund) for owners to approve. The preparatory work is being done by Russ Burnet (Owner Lot 23), a sub committee of the Executive Committee chaired by Rob Hornby (Owner Lot 56) and a firm of consultants – Tyrrell's Property Inspections. Both Ann Conning and John Barton who are now on the Executive Committee have been involved with the Ten Year Plan Sub Committee since its inception.

You will have read in this Newsletter that we have engaged Tyrrell's to act as consultants for assisting with the Painting Scheme and the Ten Year Plan.

Q. Why Tyrrell's?

A. We believe they can provide the service we need.

Architect and builder Jerry Tyrrell and builder Peter Ellis formed Tyrrell's Property Inspections in 1983.



Jerry Tyrrell

Why are we using Tyrrell's' Strata Division for our Sinking Fund Assessments?

Tyrrell's gives us:

- Dedicated Strata Division focused on strata legislation and issues and their impact on proprietors and Strata Managers
- Large database with thousands of records of property maintenance work to check and guide all findings and assumptions
- Careful condition based assessment of the building components
- Comprehensive Sinking Fund Assessment and financial forecasting software
- Plain English, easily understood and actioned Reports

Tyrrell's also provide technical reports, in our case for painting the complex.

We examine any building issue carefully, review any relevant documents and then prepare a clear Technical Report setting out the issues and what you need to do.

Tyrrell's will also recommend appropriate contractors, and provide tactical advice about who to engage to help achieve our goals.