

14th February 2020

NOTICE OF INTERIM ORDINARY RESOLUTIONS

Dear Owners

**RE: MINUTES OF 2019 - 20 AGM - CASUARINA VILLAS
OWNERS CORPORATION PS54 4 4 18**

Please find attached the Minutes for the 2019 -20 Annual General Meeting.

As noted within the minutes, there being less than 50% of members or lot entitlement represented, a quorum was not achieved for the Owners Corporation to pass those proposed resolutions at the meeting.

However, in accordance with *Section 77 and 78 of the Owners Corporations Act 2006*, all resolutions included in the Minutes relating to Owners Corporations PS544418, are interim resolutions.

Owners wishing to object to the interim resolutions made at the meeting have 29 days from the date of the meeting to notify the Managing Agent (Mayfield BCM) in writing of their objections. Thereafter, all interim resolutions will become resolutions of the Owners Corporation PS544418.

Should you have any queries, please don't hesitate to contact our office on 03 9645 9981

Yours faithfully,



Paul Ngo
Mayfield BCM
For and on behalf of OCP544418

MINUTES OF THE 2019 ANNUAL GENERAL MEETING

OWNERS CORPORATION PLAN No. 544418D

Monday 10th February 2020 at 6.00pm

Meeting held at: Patterson Lakes Community Centre
54-70 Thompson Road PATTERSON LAKES VIC 3197

1. Present

Michael & Christine Ashley	Lot 5
Natasha Camilleri	Lot 8
David Butten	Lot 18
Barry & Valda Roache	Lot 19
Mikheil Matcharadze & Nino Ksovreli	Lot 21
Amy O'Keeffe	Lot 22
Caroll Kohle	Lot 28
Paul Hyatt	Lot 31
Marco Nocera	Lot 32
Helen Grant	Lot 35
Joy O'Dwyer	Lot 36
Penelope Suzuki	Lot 37
Francine Thomas	Lot 39
Emma Foster	Lot 40
Felicity Allan	Lot 42
Paul Williams	Lot 46

Apologies

Tim Abberton	Lots 3 & 25
Michael Higgins	Lot 4
Ronald Simpson & Minerva Maxfield	Lot 14
Kate Malloch	Lot 30
Steven Murray & Philippa Gledhill	Lot 34
Robin Dayes & Gail Canning	Lot 41
Kate Clipperton	Lot 44
Ian & Joanne Spenceley	Lot 49

2. Proxies

Tim Abberton	Lots 3 & 25	In favour of Paul Hyatt
Michael Higgins	Lot 4	In favour of Barry Roache
Robin Dayes & Gail Canning	Lot 41	In favour of Paul Ngo
Kate Clipperton	Lot 44	In favour of Francine Thomas

3. Voting Rights

Members noted their voting rights as advised within the Notice of Meeting.

4. Quorum

As 21 out of 49 Lots were represented in person or by proxy, a quorum being 50% of Lots was NOT present for any of the Owners Corporations.

Pursuant to Section 78 of the *Owners Corporations Act 2006*, the meeting continues without a quorum and all decisions made are interim decisions.

The minutes must be distributed within 14 days and, unless members representing at least 25% of total votes or total voting entitlement petition within 14 days for a further meeting, the interim decisions become binding decisions after 29 days

5. Meeting Chairperson

Paul Ngo was appointed Chairperson for the meeting.

6. Previous Minutes

It was RESOLVED that the Minutes of the Annual General Meeting held on 6th December 2018 was taken as read and confirmed as a true record of that meeting.

Raised: Francine Thomas

Seconded: Penny Suzuki

Passed: Yes

7. Chairman's Report on the activities of the Committee

Pursuant to Section 115 of the *Owners Corporations Act 2006*, Nahareen Alam tabled the Committee Report of its activities on behalf of the Committee to the annual general meeting.

The attached tabled report was RESOLVED to be received

Raised: Helen Grant

Seconded: Valda Roache

Passed: Yes

8. Owners Corporation Managing Agents Report

On behalf of Mayfield Body Corporate Management, Paul Ngo tabled the Managing Agent Report, pursuant to Section 126 of the *Owners Corporations Act 2006*.

There were no matters arising, it was RESOLVED that the Building Manager Report be received.

Raised: Francine Thomas

Seconded: Paul Williams

Passed: Yes

9. Insurances

a) Owners Corporation Insurance Coverage

In accordance with Sections 59 and 60 of the *Owners Corporations Act 2006*, the Owners Corporation has taken out insurance cover as follows:

Underwriter		Strata Unit Underwriters
Policy No.		06S2635620
Broker		Australian United Advisers P/L
Building	\$	25,812,577
Office Bearers Liability	\$	2,000,000
Fidelity Guarantee	\$	100,000
Public Liability	\$	20,000,000
Period of Cover		1 st October 2019 to 1 st October 2020

That Members RESOLVED that the Insurance Cover be accepted at the current levels.

Members RESOLVED that, should no other instructions be received from the Owners Corporation at least 2 business days prior to the date of the policy renewal, Mayfield BCM is authorised to renew the existing insurance policy at the same level of cover, or if a change

to a different underwriter is recommended by the broker, to place insurances through the broker's recommended underwriter.

Raised: Francine Thomas

Seconded: Paul Hyatt

Passed: Yes

b) Insurance Claim Excess

Members CONFIRMED the standing resolution that, if an excess or other costs are applied to any claim made on an insurance policy held by the Owners Corporation, those costs will be payable by the party causing the damage.

c) Insurance Valuation

Members noted that the Owners Corporation has the building insured in accordance with a Building Replacement and Reinstatement Valuation undertaken in April 2016.

Members RESOLVED not to undertake further valuation prior to the next Annual General Meeting.

Raised: Penny Suzuki

Seconded: Mikheil Matcharadze

Passed: Yes

Members should review the attached information page for important details relating to insurances including coverage of personal contents.

10. Financial Accounts

Members RESOLVED that the Financial Accounts as tabled reflecting an accumulated surplus of \$27,235.32 in the Administration Fund and \$157,638.89 in the Maintenance Fund be adopted as the financial statements for FY2018-19.

Raised: Penny Suzuki

Seconded: Carol Kohle

Passed: Yes

11. Budget

The presented proposed budgets for the financial year 1st October 2019 to 30th September 2020 were considered and RESOLVED they be accepted as follows:

Administration Fund	\$ 131,454.20 plus GST
Maintenance Fund	\$ 75,000.00 plus GST

Raised: Barry Roache

Seconded: Nino Ksovreli

Passed: Yes

12. Committee of Management

The meeting RESOLVED to appoint a committee of 6 members as follows:

David Butten	Lot 18
Barry Roache	Lot 19
Carol Kohle	Lot 28
Paul Hyatt	Lot 31
Penelope Suzuki	Lot 37
Kate Clipperton	Lot 44

Members agreed to delegate all powers that can be delegated to the committee and it was RESOLVED that the Owners Corporation hereby delegates all of its powers and functions to the Committee other than:

- (a) a power or function that requires a unanimous resolution;
- (b) a power or function that requires a special resolution.

A resolution by the Committee that is made in respect to any matter for which the powers have been delegated to it has the effect of being a resolution made on behalf of the Owner's Corporation.

13. Grievance Committee

Members RESOLVED that those persons elected to the Committee of Management be appointed as the Grievance Committee of the Owners Corporation.

14. Maintenance

a) Painting

On review of the quotation submitted by Higgins, as attached to the notice of meeting, members unanimously RESOLVED the following:

- To accept the 7-year Painting Maintenance Program at a cost of \$518,413.00;
- That Mayfield were authorised to pay \$100,000 out of the current maintenance funds to Higgins for payment of the first year of this program;
- To commence a maintenance fund of \$75,000.00 per annum, for a period of 6 years to fund the remaining annual costs of the painting program.

b) Water Proofing works

Paul Hyatt advised members present the following:

- The building report provided by Melbourne Building and Waterproofing Consultants Pty Ltd advised that the water leaks/efflorescence issues within the basement car parks were stemming from both the common walkway and 20 individual lot balconies on the ground floor;
- The original quote provided by Bravada Building Services Group estimated a cost for rectification to the common walkways only at \$630,000.00 which included substantial works to excavate and relay the walkways;
- A second quote obtained from Buitbyal, as attached to the notice, recommended to undertake drilling of holes along all cracks on the concrete slabs and walls and thereafter inject their product (Sealboss Polyurethane Injection) into the cracks, at a total cost of ~~\$159,060.00, negating the need for excavation works;~~
- Both Bravada's and Buitbyal's quotes do not provide 100% guarantee that the issues would be rectified completely.

Disclaimer: There may be differences in calculated installment amounts due to rounding to nearest \$0.05

Lengthy discussions took place and members present RESOLVED the following:

- To accept the quotation provided by Buitbyal at \$159,060.00;
- To implement a special levy of \$160,000 against all Owners, based on units of liability, over two equal installments due and payable on 1/7/2020 and 1/2/2021.

Note: the above resolutions were passed by all members attended but member Paul Williams

15. Legal Proceedings – Building Defects

It was RESOLVED at the 2018 AGM to lodge a complaint with the Ombudsman's Office against the City of Kingston for negligence as being the "relevant authority", they did not adequately perform functions they are required to under the Building Act.

It has been noted since, that the building surveyor was a private contractor engaged by the Kingston Council, not a council employee. Further, the Owners Corporation would be required to compile all available technical information concerning defects prior to our submission to the Ombudsman's Office. More importantly, the technical information submitted must be undertaken by experts in their fields at the owners' expense.

After weighing up all options and possible costs associated, members RESOLVED not to pursue this matter further.

16. General Business

a) Managing Agents Contract

Members noted the appointment of Mayfield BCM as the Managing Agent of the Owners Corporation to 30th September 2020 and reconfirmed delegation to them the powers noted within the Contract of Appointment.

Members RESOLVED to re-appoint Mayfield BCM for another term of three years. Further, it was RESOLVED to authorise the Committee of Management to review and execute the Management Agreement on behalf of the Owners Corporation PS544418.

NB: Mayfield BCM holds Professional Indemnity Insurance of \$2,000,000 in accordance with Section 119(5) of the Act.

b) Penalty Interest & Additional Fees

Pursuant to Section 29(1) of the Owners Corporations Act 2006, charging of penalty interest must be authorised at a general meeting. In addition, further administration and legal fees may be incurred as a result of seeking payment of arrears from Lot Owners.

Members RESOLVED that the Owners Corporation authorises the charging of penalty interest on arrears, at the maximum rate payable under the *Penalty Interest Rates Act 1983*, with the interest paid to the Owners Corporation.

Members Present RESOLVED further that the Owners Corporation may recover as a debt due from the person or persons in breach, the costs, charges and expenses incurred by the Owners Corporation, arising out of any default or breach, by a Lot Owner, or occupier of a Regulation 2007 or the Special Rules of the Owners Corporation including, but not limited to:

- Administration Fees of \$50 + GST payable to Mayfield BCM
- Legal Fees as charged by the respective solicitor/debt collector
- Other Fees incurred as approved by the Committee of Management

c) Mediation & VCAT Action

The Managing Agent confirmed that there were VCAT actions against Lots, 8, 9 & 18 were undertaken during the year for the recovery of outstanding fees.

Members resolved to approve the appointment of a representative of Mayfield BCM to act on behalf of the Owners Corporation to represent them at all VCAT hearings.

Disclaimer: There may be a conflict of interest between the Special Rules of the Owners Corporation and the Regulations 2007.

Meeting Closed at 7.45PM