



## ACE BODY CORPORATE CONSULTING

### PROFESSIONAL PERSONAL SERVICE

Phone: (03) 8586 1300 Fax (03) 9239 5599  
Address: Level 2, 222 Beach Rd, Mordialloc VIC 3195  
Post: PO Box 5583, Mordialloc VIC 3195  
Email: consulting@acebodycorp.com.au  
Web: www.acebodycorp.com.au

### **Letter to Owners**

Dear fellow Owners Corporation members,

Following termination of the Maintenance Agreement and the most recent AGM, some owners expressed concern about the ability of the Owners Corporation to fund community events, and to provide services on land which is not “common property”. Your Owners Corporation is unusual in that it does not have any common property. The open spaces around the estate and the lakes are owned by a combination of City of Kingston, Melbourne Water and VicRoads.

The Committee sought a legal opinion on the following question: -

“Does the Waterways OC have the power to provide the infrastructure, services and events referred to in the Survey?” (being the survey sent to all members earlier this year).

### **Funding community events.**

Your Committee has now received legal advice that the Owners Corporation has no authority to provide and pay for community. At a meeting on 16<sup>th</sup> August 2017 your Committee resolved that no Owners Corporation funds could be spent on community events. The Committee encourages the Community Sub-Committee to seek other sources of funding for the Xmas event and fireworks.

The Committee has also been advised that without a Special Resolution it can no longer provide services such as irrigation, lake fountains, water features and decorative lighting. There has not been a Special Resolution authorizing this sort of expenditure, so the Owners Corporation is now unable to spend any further owner’s funds on these services.

### **Funding services for the open spaces around the estate and the lakes.**

Despite strong support from owners for retaining features such as the lake fountains and irrigation, it appears highly unlikely that City of Kingston would pay for these services. Therefore, the Committee proposes a ballot-based Special Resolution to authorize expenditure on these items.

Although the Owners Corporation can levy annual fees to pay for general administration and the other recurrent obligations of the Owners Corporation, the Committee has also been advised that it can no longer levy owners for provision of the above services. Pending resolution of these matters the Committee has deferred the 3<sup>rd</sup> quarter fee collection.

Please direct any questions on the above to [info@waterways.com.au](mailto:info@waterways.com.au) or Ace Body Corporate Management on 8586 1300.

David Flew  
Chairperson  
On behalf of Committee, OC 435322B