



Owners Corporation No.1 PS 435322B
C/- Ace Body Corporate Consulting

Phone: 03 8586 1300 **Fax:** 03 9239 5599
Address: PO Box 5583, Mordialloc VIC 3195
Email: info@waterways.com.au

21st October 2022

RESCHEDULED ANNUAL GENERAL MEETING

Dear Owner,

We write as the Owners Corporation managers of Waterways with regards to the Annual General Meeting.

Unfortunately, due to a problem with the StrataVote platform, the Annual General Meeting that was scheduled to take place on Tuesday, 18 October 2022 was not held.

The new date & time for the Annual General Meeting is now Tuesday, 8th November 2022 at 7:30PM.

If your preferred method of receiving correspondence is via **email**:

- There will be 2 links in the email with the Notice of Annual General Meeting.
- The first link will be to join the online meeting; this link will take you to the Strata Vote Platform, and you will have to fill in your lot information to register your attendance. You will then be transferred to the waiting room and you will automatically join the meeting when it starts.
- The second link allows you to cast your vote ahead of the meeting if you can't attend the meeting. Please follow that link and cast your votes ahead of the meeting.
- You will also receive a separate reminder email from Strata Vote the day before the AGM with the same links again for easy reference. The email will be entitled "Annual General Meeting Notice - WATERWAYS Plan No PS435322B - No1" - if you do not see this email in your inbox, please check both your junk email folder and your deleted items.

If your preferred method of receiving correspondence is via **post**:

- There will be a scannable QR code on the following page. Scanning this on your smart device will take you to the Strata Vote Platform.
- On the page that loads, click the "Click here to join the meeting" link and follow the instructions. (The link will not appear if you load the page more than 60 minutes before the meeting)
- You will then have to fill in your lot information to register your attendance. You will then be transferred to the waiting room and you will automatically join the meeting when it starts.
- If you are unable to scan your QR code, please contact our office on the details below so that we can send you an email copy containing a clickable link.

The email link and the QR code should not be shared by anyone else, as this takes you to your lot's unique voting & attendance page.

If you have any queries relating to this notice, please do not hesitate to contact our office at info@waterways.com.au or by calling the office on 03 8586 1300.

Kind Regards
On behalf of the Waterways Owners Corporation

Katherine Mao
Owners Corporation Manager

Oct 20, 2022

Att: Julie McLean, ACE Body Corporate Consulting
The Waterways Owners Corporation.
Waterways VIC 3195

by email: Julie.mclean@acebcm.com.au

Dear Owners

2022 Annual General Meeting - rescheduled to 8 November 2022

We refer to the AGM, originally scheduled for Tuesday, 18 October 2022.

Unfortunately, Tuesday's meeting was unable to proceed due to a technical issue. One of StrataVote's media servers had gone offline just prior to the scheduled meeting. This caused issues with the software communicating with remote meeting attendees. StrataVote was able to reconnect the software shortly after support was contacted. However, the decision to postpone the meeting had already been made. We apologise for the inconvenience caused to those attending and involved in the meeting.

StrataVote is a proven product, and we typically run thousands of successful meetings in a month across Australia and New Zealand. Unfortunately, all software is susceptible to occasional connectivity issues. We have only experienced a technical issue similar to what caused issues in this instance on one other occasion.

StrataVote is continuously making improvements to ensure meetings run smoothly and users have a positive experience with our software. We have reviewed the issue in detail and have put in place measures to ensure this type of problem does not occur in the future.

We do not anticipate any further issues, but to ensure the meeting runs smoothly on Tuesday, 8 November 2022, we are happy to provide live support throughout the meeting.

Again we apologise for any inconvenience caused.

Yours sincerely

StrataVote (ABN 63 626 393 379)

Per:



Melanie Foster
Legal Counsel

Ace Body Corporate Consulting
ABN 50108688231

PO Box 5583, Mordialloc VIC 3195

www.acebodycorp.com.au
consulting@acebcm.com.au

Ph:(03)85861300



Date of this Notice: 21 October 2022

ANNUAL GENERAL MEETING

Owners Corporation No. PS435322B - No1
Waterways
WATERWAYS, WATERWAYS VIC, VIC, 3195

Dear Owner

We enclose the Annual General Meeting documents for Owners Corporation No. PS435322B - No1 Waterways.

The Meeting is scheduled to be held as follows:

DATE:	Tuesday 08 November 2022
COMMENCEMENT:	7:30 PM
LOCATION:	Via videoconference. Registration will commence at 6:30 PM. You can register your attendance, and come back for the start of the meeting. The meeting will commence at 7:30 PM. The meeting will not be held at any physical location. Please dial in 15 minutes prior to the commencement time to record your attendance. (See page 2 for further information)

The attached document contains:

- Notice of Meeting:** Which details the date, time and location of the meeting.
- Agenda:** List of items for consideration at the meeting.
- Meeting Notes:** Including additional information, attendance, meeting procedures, voting rights and how to cast your vote electronically or by Voting Form.
- Attachments:** Supporting documents and forms for voting and updating of your details.

We ask that you read the information carefully as the matters to be considered will impact the running of your property and sets out your rights and responsibilities in respect of the meeting.

We ask that any queries relating to the items in this Agenda are brought to our attention at least 72 hours prior to the meeting so that the issues can be appropriately considered and addressed.

The name of your Ace Body Corporate Consulting contact is **Katherine Mao**, (03)85861300, consulting@acebcm.com.au who is located at our Ace Consulting branch.

Regards
Ace Body Corporate Consulting

NOTICE OF ANNUAL GENERAL MEETING

Owners Corporation No. PS435322B - No1
Waterways
Waterways, WATERWAYS VIC, VIC, 3195



Date & Time:

The meeting is scheduled to commence at 7:30 PM on Tuesday 08 November 2022.

Please arrive 15 Minutes prior to the commencement of the meeting to register your attendance.



Video Conference:

If you received this notice by post: Scan the QR code on the front page of the meeting pack no earlier than 60 minutes before the meeting start time. On the page that loads, click the "Click here to join the meeting" link and follow the instructions. (The link will not appear if you load the page more than 60 minutes before the meeting). If you are unable to scan the QR code, please contact our office to receive an email copy with a clickable link.

If you received this notice by email: Click the link in the email message to join the meeting.



Voting Form:

Submit your votes **before** the meeting:

Online: Use the online link sent to you via email (*only available if you have opted to receive correspondence via email*).

OR

Post/Email: Fill out the Voting Form attached to this notice and return it to your manager via email or post.

OR

Appointment of Proxy: Alternatively you have the right to appoint a proxy

AGENDA

Preliminaries

QUORUM

Should a quorum be declared for this meeting, the meeting will proceed and all resolutions will be resolutions of the Owners Corporation.

If a quorum is not achieved, in order for the meeting to proceed, members need to agree that all resolutions will be on an interim basis and become resolutions of the Owners Corporation on the 29th day following the meeting in accordance with Section 78.

That the meeting proceed in accordance with Section 78 of the Owners Corporation Act 2006, and that all decisions made will be interim decisions.

OWNERS CORPORATION TIER

Members are advised that from the 1st December 2021 (following the change in Legislation) this Owners Corporation is classified as a *Tier One (1) Owner Corporation*.

Different obligations apply to the Owners Corporation, relevant to the tier. These will be addressed within the business of the meeting.

Motions

1. CHAIRPERSON OF MEETING AND MINUTE TAKER:

MOTION:

That the Waterways Owners Corporation Chairperson or Deputy Chair is appointed to chair the meeting, and Ace Body Corporate Consulting to record the minutes of the meeting for distribution to the members of the Owners Corporation.

2. QUORUM:

MOTION:

To note those in attendance, apologies, and proxies in order to determine whether a quorum is present.

3. ENTITLEMENT TO VOTE:

MOTION:

To note that only financial members are eligible to vote for ordinary resolutions.

4. STANDING ORDERS:

MOTION:

That the amended standing orders for the conducting of business at an Annual General Meeting be adopted. (Note: a copy of the standing orders can be found attached).

5. DEBT COLLECTION:

MOTION:

- a. That the manager arrange for the issue of debt collection and proceedings against the owner/s of lot/s in arrears, and;
- b. That the Owners Corporation may recover, as a debt due from the person or persons in default or breach, the costs, charges and expenses incurred by the Owners Corporation, (but excluding the personal time cost of any person acting in an honorary capacity including the chairperson, secretary, or committee member of the owners corporation) arising out of any default or breach, by any lot owner, or occupier of a lot, of any obligations under the Owners Corporations Act 2006 or the Owners Corporations Regulations 2018 or the Rules of the Owners Corporation, and;
- c. That the Owners Corporation may recover from any instigating unit owner the cost of any works undertaken for the use of that unit such as but not limited to: - Title Searches, Key Issue / Recovery, Attendance to record searches or other incidentals.

Explanatory Note

To resolve to delegate the Manager authority to seek arrears (recovery of outstanding fees) through the engagement of a debt collection company and that when costs incurred by Owners Corporation in recovering fees and levies due under Section 32 of Owners Corporations Act 2006, will be fully recoverable from the indebted lot owner. This includes administrative fees charged to the Owners Corporation by the manager and all legal fees incurred as a result of the failure to pay levies, fees and charges due.

The manager discloses that the manager has a relationship with Kemps Petersons Pty Ltd trading as Kemps Petersons Receivables and Kemps Petersons Legal Pty Ltd (Kemps) which are associated companies of the manager.

The manager has and may engage the services of Kemps in undertaking debt collection services for your owners corporation pursuant to this resolution and the Contract of Appointment.

6. PENALTY INTEREST:

MOTION:

That the Owners Corporation confirm to charge penalty interest in accordance with the conditions set out by the Owners Corporation Act 2006, Act No. 69/2006 Part 3.

Explanatory Note

Note: The penalty interest rate is currently set at 10%. We understand from time to time members may accidentally overlook the payment of a fee notice or have experienced financial difficulty. The below resolutions are to be considered to provide a clear delegation to the strata manager to efficiently support consideration of minor amounts when lot owners call to settle outstanding accounts. Should the below motion pass the Owners Corporation (all owners) will incur the late payment costs that have been incurred in seeking to obtain payment of the outstanding fees. The amounts specified in the resolution will be the maximum amount to which the strata manager will be delegated consideration, any amounts on the owners ledger above this threshold will be required to be referred to the Committee/Owners Corporation in their entirety. Should an owner contact the strata manager to discuss not being able to make the payment on time and in full, prior to the due date of the fee notice, the strata manager will suppress the accumulation of fees and charges for a period of up to 30 days within which payment in full must be received or a bona fide payment arrangement entered with the first payment having been received. Should you fail to comply with the payment in full or the payment arrangement, fees and charges will be accrued from the date at which the fees fell due.

7. PENALTY INTEREST - WAIVER:

MOTION:

That if on the 1st working day of the month in which a general meeting occurs there is less than \$7.00 owing on a lot owners account, and this represents penalty interest, that the sum owing will be waived.

8. COMMON SEAL:

MOTION:

That the common seal be affixed to the following documents as required; Owners Corporation Certificates, Instruments of Delegations, Contract of Appointment, VCAT Applications, and any other documents executed in the name of the Owners Corporation requiring the common seal to be affixed.

9. APPOINTMENTS & AUTHORISATIONS - COMMITTEE:

MOTION:

That Owners Corporation 1 Plan No.435322B delegates all its other powers and functions to the Committee (other than a power or function that requires a unanimous resolution or special resolution) in accordance with section 11 of the Owners Corporation Act 2006 and the minutes of this Annual General Meeting will be regarded as the necessary instrument of delegation. AND That the Committee has the power to execute any document as required to fulfil those obligations as delegated above.

10. APPOINTMENTS & AUTHORISATIONS - ARCHITECT:

MOTION:

That the Owners Corporation by instrument delegates to Cortese Architects (or their replacement) the functions and powers required to assess proposed new building designs and any subsequent alterations/renovations to a lot to ensure it is compliant with all provisions in the Waterways Guidelines & Model Rules 5.2 & 5.3.

11. APPOINTMENTS & AUTHORISATIONS - MANAGER:

MOTION:

To acknowledge that the Owners Corporation has engaged Trylean East Pty Ltd (ABN 50 108 688 231) trading as Ace Body Corporate Consulting be appointed as Owners Corporation Manager for a period of three years until 1 July 2024.

12. PREVIOUS MINUTES:

MOTION:

That the Minutes of the last Annual General Meeting of the Owners Corporation held 10 November 2021 be adopted and confirmed as a true record and account of the decisions made at that meeting.

13. REPORTS - COMMITTEE:

MOTION:

That the distributed report be accepted.

14. REPORTS - OWNERS CORPORATION MANAGER:

MOTION:

That the distributed report be accepted.

15. REPORTS - MAINTENANCE PLAN:

MOTION:

It is a statutory requirement to have a maintenance plan and review that maintenance plan every year. This statement is for statutory compliance.

A 10-year Maintenance Plan was adopted at the 2010 AGM based on the contractual arrangements with City of Kingston. This contractual arrangement has now ceased, and the OC neither owns nor is responsible for any assets apart from the two fountains in the Waterways Lake and the defibrillator, located at Nest Cafe. This will be reviewed again after the CCTV equipment is installed.

There is now no need for a maintenance plan, and these reserved funds are now part of the general OC funds.

16. REPORTS - FINANCIAL STATEMENTS:

MOTION:

That the audited financial statement for the period ending 30 June 2022 (which report total members' funds of \$372,554.44 as per report attached) be accepted.

17. AUDITOR:

MOTION:

That the Owners Corporation resolves that the statement of accounts for the financial year 01/07/2022 to 30/06/2023 be audited.

18. BUDGET - ADMIN FUND:

MOTION:

That the budget for the financial year commencing 1 July 2022, enclosed within the meeting documents, be adopted.

Explanatory Note

CCTV was provisioned in last year's budget and is only being shown again this year for the purpose of itemising the expense.

Information about the Owners Corporation accounting records will be presented at the meeting. The latest financial statement for the Owners Corporation and budget is enclosed with this notice.

19. BUDGET - ADMIN FUND LEVIES:

MOTION:

That the fees be based on \$10.00 per lot liability per lot (\$100 for all lots except for lot 42A which is a double lot and is \$200);and

That the contributions be paid in advance due on 1 January 2023 and will continue at the same rate on an Annual basis until changed by a resolution of the Owners Corporation at a General Meeting.

Explanatory Note

The levy for 1/7/22 – 30/6/23 has already been issued. For those lots who have not paid, this levy will be re-issued with the new due date of 1 January 2023.

The levy due date for 1/7/22 -30/6/23 was set at last years AGM, by amending the due date from 1/7/22 to 1/1/23 will give those who haven't paid more time to pay, but will also allow the new committee and the 2023 AGM to consider more fully both the future levy amount and due date.

20. COMMITTEE ELECTIONS:

That the members of the Strata Committee be elected

Close

Chairperson to declare the meeting closed.

MEETING NOTES

Additional Information, Meeting Procedures and Voting Rights for a General Meeting

Meeting Attendance

Please have this Notice with you when attending the meeting personally or virtually (video and phone conference). Please visit <https://meet.picagroup.com.au/guide> for virtual meeting instructions and attendance conduct.

If you cannot attend the meeting and you wish to cast a vote, **prior to the commencement of the meeting** please:

- Submit your vote electronically, OR
- Return a completed voting form, OR
- Complete and return the enclosed proxy form.

Further information on these voting methods is located below.

Voting Forms

Electronic meeting papers:

If you have received this Notice electronically, you are able to submit your votes online by clicking the link in the email notification.

If you wish to cast your vote online, please vote on all motions, submit the voting form and complete the voter declaration. You may also download a copy of your votes or have them emailed to you for your records.

Alternatively, you may print the attached voting form, and return the **completed** form to consulting@acebcm.com.au.

Physical meeting papers:

If you have received a paper copy of the documents, it is because we either do not have your email address or you have not given us authority to circulate communications electronically to you. Please complete and return the attached Email Authority Form if you wish to update your method of delivery.

If you wish to cast your vote prior to the meeting, please complete the attached voting form and return it by post or by emailing it consulting@acebcm.com.au.

In order for your votes to be counted, the voting form needs to be received prior to the meeting.

Should you attend the meeting personally, virtually or by proxy, please notify the meeting host if you wish to change your submitted vote, at the time that the Motion is put to the meeting.

Proxies

A member has the right to appoint a proxy. A form of proxy is attached, which can be completed and returned via post or email (detailed on the attached proxy form).

You can exercise your voting rights at the meeting in person or by proxy. If you are a Corporation or Company your voting rights can only be exercised by a Director of the Company in person or by the Company's Proxy.

The proxy should be in the name of a person who will be attending the meeting and not made out to the Chairperson.

Alternatively you can pre-vote by using the voting paper option.

There are new limits to how many proxies that can be held by one person.

If you hold more than the prescribed number allowed, surplus proxies will be shown in attendance and each vote will be marked as abstained.

Quorum

In order to constitute a quorum at the meeting 50% of the total votes or at least 50% of the total lot entitlement must be present either in person or by proxy; or

Should a quorum be declared for this meeting, the meeting will proceed and all resolutions will be resolutions of the Owners Corporation.

Note that in the event that there is not a quorum the meeting may proceed but all decisions are interim decisions. Notice of all interim decisions will be forwarded to all owners within 14 days of the date of the meeting. Unless a petition is received from members representing at least 25% of the total lot entitlement, the decisions become decisions of the Owners Corporation.

If a quorum is not achieved, in order for the meeting to proceed, members need to agree that all resolutions will be on an interim basis and become resolutions of the Owners Corporation on the 29th day following the meeting in accordance with section 78.

Financial Status

It is important to note that only lots that are financial will have the right to vote on Ordinary Resolutions of the Owners Corporation either in person or via proxy. Unless otherwise specified within the Motion, all Resolutions will be an Ordinary Resolution of the Owners Corporation.

In order for your vote to be considered for an Ordinary Resolution, all fees and charges owed to the Owners Corporation must be received in full, at least four (4) business days prior to the date of the meeting.

Types of Resolutions

For voting purposes:

- an **Ordinary Resolution** is passed if a majority of the votes cast are in favour of it;
- a **Special Resolution** is passed if at least 75% of the votes for the total number of lots affected by the Owners Corporation vote for it or if a poll is taken at least 75% of total lot entitlements of all the lots vote for it.
- a **Unanimous Resolution** is passed if all members vote in favour of it.

Insurance

Commission Received by Ace Body Corporate Consulting: \$0.00

The Manager is an authorised representative of Body Corporate Brokers and Whitbread Insurance Brokers.

The Manager is NOT an authorised representative for the insurance broker or insurance company who holds the current Owners Corporation policy and as such is not allowed to give any advice.

Owners should note that it is their own responsibility to arrange insurance cover for contents within their own lot, including carpets, curtains, light fittings, etc plus loss of rent for tenants and public liability cover for events occurring within your lot. Ace Body Corporate Consulting recommends you seek advice from your preferred insurance broker.

Penalties and Interest

We understand from time to time members may accidentally overlook the payment of a Fee Notice or have experienced financial difficulty. Resolutions are to be considered to provide a clear delegation to the Strata Manager to efficiently support consideration of minor amounts when lot owners call to settle outstanding accounts. Should the motion pass the Owners Corporation (all owners) will incur the late payment costs that have been incurred in seeking to obtain payment of the outstanding fees. The amounts specified in the Resolution will be the maximum amount to which the Strata Manager will be delegated consideration, any amounts on the Owners ledger above this threshold will be required to be referred to the Committee/Owners Corporation in their entirety. Should an owner contact the Strata Manager to discuss not being able to make the payment on time and in full, prior to the due date of the fee notice, the Strata Manager will suppress the accumulation of fees and charges for a period of up to 30 days within which payment in full must be received or a bona fide payment arrangement entered with the first payment having been received. Should the lot owner fail to comply with the payment in full or the payment arrangement, fees and charges will be accrued from the date at which the fees fell due.

Committee Nominations and Election

Written and oral nominations for election to the Committee be called for and tabled at the meeting.

Eligibility

1. The members of the Committee must be lot owners or hold proxies on behalf of lot owners.
2. There must not be more than one member of the Committee from any one lot.
3. A lot owner or a proxy for a lot owner may nominate for election as a member of the Committee—
 - (a) in writing; or
 - (b) orally if the lot owner is present at the Annual General Meeting.
4. If a lot owner is in arrears for any amount of fees or other amount owing to the Owners Corporation
 - (a) the lot owner or a proxy for the lot owner is not eligible to be elected as a member of the Committee; and
 - (b) if the lot owner or a proxy for a lot owner is a member of the Committee at the time the amount came into arrears, the lot owner or the proxy for the lot owner is suspended as a member of the Committee until the amount is paid.

Elections

If more than 3 but less than 7 (or other maximum number as resolved by the Owners Corporation) nominations are received, each of the unopposed eligible nominees will be declared elected, and the number of the Committee will be determined at the maximum number of valid nominations received.

- **Less than 3 Nominations Received**

If fewer than 3 nominations are received, the Owners corporation will be required to convene a special general meeting to elect a Committee.

*Note: This process will incur additional service charges from the Manager.

- **Nominations exceeding the positions available**

Where the number of nominations exceed the available positions, an election will be conducted at the meeting.

If there are no members present personally, virtually or by proxy at the meeting to participate in the election, it will be necessary to conduct the election by way of a separate Postal Ballot, putting forward the nominations received prior to closing.

*Note: This process will incur additional service charges from the Manager.

Smoke Alarms within Units

Since the 1 February, 1999 in Victoria, self contained smoke alarms complying with Australian Standard 3786-1993 must be installed in all residential buildings, including homes, units, flats and townhouses.

It is the legal responsibility of owners and landlords to install smoke alarms.

In all new residential buildings, constructed on or after 1 August, 1997, the smoke alarms must be connected directly to the consumer power mains, as well as having a battery back-up.

Residential buildings constructed before 1 August 1997, can be fitted with a battery-powered smoke alarm.

It is the owner's responsibility to ensure smoke alarms are installed and kept in working condition. However, a tenant can take action to ensure compliance with the regulations.

Annexure to this meeting notice

- Committee Nominations Summary 2022
- Committee Nomination Form
- Proxy Form
- Company Nominee Form
- Email Authority Form
- QR for Attachments

Committee Nominations 2022 (Seven Vacancies)

1. **Bowen, Michael**

I have been a resident of Waterways for more than 20 years. I am keen to understand/support what the majority of Waterways owners want in an inclusive and consultative manner. I have served on many boards and committees and desire to ensure integrity in all OC matters.

2. **Fabos, Emilia**

As a new resident to this tranquil Waterways estate, I became a member of the WOCC last year where the team were able to setup ground work for some great new facilities and amenities in this estate. My experience in Architecture and project management allows me to assist in implementing some of these great ideas and get them up and running for residents. I'm also an advocate for modernising the design guidelines in Waterways whilst protecting the natural environment in which we live.

3. **Flew, David**

I've lived in Waterways since July 2002. I was a member of the original steering committee which helped smooth the transition from Developer to Owners management of the OC. I was part of the team which managed hand-over to City of Kingston when the onerous and expensive maintenance agreement with City of Kingston came to an end. I've held a variety of positions on the Committee in the past, and have a good understanding of how the OC (and the OC Act) works. Being retired, I'm able to spend a little more time on OC matters than people who work full time.

4. **Galileos, Michelle**

My family and I have lived in Waterways for over 12 years, we built our home when Waterways was still growing and developing. It has been wonderful to see all the growth and to live in one of the most beautiful locations in Melbourne. I am very passionate about our environment and our piece of paradise we live in. My goal is to support the committee and community to ensure Waterways continues to be a safe, caring and inviting environment.

5. **Martin, Alex (current Chairperson)**

I am a 12-year resident of Waterways and believe passionately in our community. My project management and planning background could add value and I think I will bring fresh ideas and pragmatism to the committee.

6. **Wade, Janine (current Deputy Chair and Finance)**

Since joining the WOCC in 2021, I produced the recent Newsletter. I have strong background in Corporate Communication plus a flair for interior/landscape design. As a single parent, I applaud the CCTV proposal & the added security it provides residents. I am passionate about maintaining our unique suburb for all residents and keen to work with relevant authorities to further improve our open spaces & see increased/improved amenities for our community & wildlife.

7. **Wainwright, Niall**

I am a police officer of 32 years and also am passionate about safety and the security of us all. I would like to be on the committee to engage with other residents and the council as well as other stakeholders in order to make waterways the safest, most inclusive suburb for all who live here.

**WATERWAYS
OWNERS CORPORATION 1 PLAN No. PS 435322B
ANNUAL GENERAL MEETING 08/11/22**

If you would like to nominate for committee, please forward this form of nomination to the Secretary by 4th November
2022

CONSENT TO NOMINATION FOR COMMITTEE

**TO: The Secretary
Waterways OCPN 435322B
PO Box 5583,
Mordialloc VIC 3195
OR FAX: (03) 9239 5599 OR EMAIL: secretary@waterways.com.au**

I _____ being the *owner / co-owner
/ proxy holder Power of attorney of Lot/s _____ hereby advise that I consent to nomination for
the (tick the box)

SIGNATURE: _____

PRINT FULL NAME: _____

ADDRESS FOR NOTICES: _____

PHONE NUMBER (H): _____ PHONE NUMBER (W) _____

Email _____

**Owners or a proxy holder can nominate for committee. If a lot has multiple owners or proxy holders, only one owner may nominate for the committee but must hold a signed proxy from the other title owners to do so.
*You are eligible if***

- You are a registered owner or hold a proxy from a registered owner and you do not owe any fees to the Owners Corporation
- Provide a short 50 word resume of the skills you can bring to the committee

Role of the Committee

<p>The committee meets every 6 weeks on line at 5.30 -7.30pm. The role of the committee includes good governance including:</p> <ul style="list-style-type: none"> • Lay solid foundations for management and oversight • Structure of the committee to add value • Promote ethical and responsible decision making • Commit to the Committee Charter 	<ul style="list-style-type: none"> • Make timely and balanced disclosure • Respect the rights of all stakeholders • Recognise and manage risk • Remunerate fairly and responsibly • Safe guard in financial reporting
<p><u>Your Resume and reason for wishing to join the committee</u></p>	<p><u>Your Skills</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Accounting <input type="checkbox"/> Engineering <input type="checkbox"/> Building <input type="checkbox"/> Communication <input type="checkbox"/> Project Management <input type="checkbox"/> Community Services <input type="checkbox"/> Legal <input type="checkbox"/> Diversity <input type="checkbox"/> Compliance <input type="checkbox"/> Risk Management <input type="checkbox"/> Emergency Planning

OWNERS CORPORATION PROXY

Schedule 1, Regulation 8, Owners Corporations Regulations 2018

Owners Corporation Waterways PS435322B - No1
Annual General Meeting - Tuesday, 08 November 2022

Under regulation 8 of the Owners Corporations Regulations 2018, I/We:

Name(s) of lot owners	
of (address)	
being the owner(s) of lot(s), lot number(s)	

Authorise

Name of person	
of (full address)	

As my / our proxy:

- A** to attend, speak and vote on my/our behalf until (insert date until which proxy authorisation will be valid, up to a maximum period of 12 months)
- OR
- to attend, speak and vote on my/our behalf at the annual or special general meeting of the owners corporation to be held on (insert date)
- OR
- to vote for me/us and on my/our behalf at the ballot having a closing date of (insert date)
- OR
- I/We direct the proxy to vote in relation to the following resolutions or matters as follows (If relevant, set out specific instructions to your proxy concerning how to vote in relation to particular resolutions or matters)

Please refer to next page for further options and to execute the proxy form

Signature (s)

Lot No(s)

B

To represent me/us on the committee of the owners corporation

Signed by (member(s) giving proxy)	
Printed name(s)	
Declaration	<input type="checkbox"/> <small>(tick here)</small> - I confirm that I have the right to sign this proxy form on behalf of all owners of this lot
Date	

Information about Proxies

This section is for information only and not part of the prescribed form.

- Lot owners can appoint a trusted person as their representative at meetings, to vote in ballots or represent them on the committee. This person is your "proxy".
- To authorise a proxy you must use the prescribed form and deliver it to the owner's corporation secretary. If appointing a power of attorney as a proxy, you should attach a copy of the power of attorney.
- Proxies automatically lapse 12 months after the form is delivered to the secretary unless an earlier date is specified.
- Proxies must act honestly and in good faith and exercise due care and diligence.
- Proxies cannot transfer the proxy to another person.
- A lot owner can revoke the authorisation at any time and choose to vote on a certain issue or attend a meeting.
- It is illegal for someone to coerce a lot owner into making another person their proxy.
- Owners corporations must keep the copy of the proxy authorisation for 12 months.
- **You should check that your proxy is able to vote on your behalf. There are restrictions on the number of lot owners a proxy can vote on behalf of:**
 - **if there are 20 or less occupiable lots a person must not vote as a proxy on behalf of more than one lot owner**
 - **if there are more than 20 occupiable lots a person must not vote as a proxy on behalf of more than 5% of the lot owners**
 - **The above restrictions do not apply if the lot owners for whom the person is authorised to vote on behalf of are members of that persons family, or the person votes as a proxy in the prescribed circumstances**
- If a lot owner is in arrears for any amount of fees or other amount owing to the owners corporation, the lot owner must not vote as a proxy on behalf of another lot owners at a meeting of the owners corporation; or represent another lot owners as a proxy on a committee of the owners corporation

Proxy Form Page 2 of 2

Signature (s)

Lot No(s)

COMPANY NOMINEE FORM

SECTION 1 – RETURN TO

Owners Corporation Waterways PS435322B - No1
 C/- Ace Body Corporate Consulting
 PO Box 5583, Mordialloc VIC 3195

consulting@acebcm.com.au

SECTION 2 – ABOUT THIS FORM

This Notice should be completed by a company that owns a lot and wants to appoint a nominee to act on its behalf and be able to vote for it at general meetings of the Owners Corporation.

Complete Notices must be returned to the Owners Corporation as per **Section 1** above. The name and address of the company nominee will be recorded in the plans records and the nominee will then be able to vote at general meetings of the plan.

SECTION 3 – NOTICE OF THE APPOINTMENT OF A COMPANY NOMINEE

Lot Number	
Name of Company	
ACN	
Company's address for the service of notices	
Company Contact Details	Phone:
	Email:

Name of Nominee	
Nominee's address for the service of notices	
Nominee Contact Details	Mobile:
	Email:

SECTION 4 – EXECUTION

Affix the Company Seal here and complete the attestation clause:

The Common Seal of	<i>Company Name</i>	Company Seal
Is affixed on	<i>Date of Appointment</i>	
with the authority of the directors in accordance with its articles of association in the presence of:		
Signature of Authorised Person		
Office Held		
Name of Authorised Person		

E-MAIL NOTIFICATION AUTHORITY

SECTION 1 – RETURN TO

Owners Corporation Plan No PS435322B - No1
C/- Ace Body Corporate Consulting
PO Box 5583, Mordialloc VIC 3195

consulting@acebcm.com.au

SECTION 2 – ABOUT THIS FORM

Those owners that are not currently receiving agendas and minutes of meetings and other notices via email are requested to complete the Email Notification Authority attached to this notice of meeting and return such to the Manager to help reduce future mailing and photocopying costs of your scheme. Once submitted, the managing agent will update its records so that future notices and minutes of meetings and other notices can be forwarded to you via email.

Should you have any questions regarding the above matter, please do not hesitate to contact your Manager.

SECTION 3 – EMAIL NOTIFICATION AUTHORITY

Lot Number	
Owner Name/s	

Authority for correspondence, meeting notices and minutes

Email Address	
I / we authorise the Owners Corporation Plan No PS435322B - NO1 to forward <u>correspondence, meeting notices and minutes</u> and other notices electronically to the email address listed above.	
Signature of Owner/s	
Date	

Authority for Levy Notices

Email Address	
I / we authorise the Owners Corporation Plan No PS435322B - NO1 to forward <u>Levy Notices</u> electronically to the email address listed above.	
Signature of Owner/s	
Date	

NOTE ON AGM ATTACHMENTS:

Please be advised that to save paper and postage, we are not including the attachments. All documents as previously sent can still be used for the rescheduled AGM.

The attachments are also available for download via the QR code and link below:



Link to download: <https://meet.acebcm.com.au/ww2022>

OWNERS CORPORATION MEETING VOTING FORM

Owners Corporation Plan No PS435322B - No1
Waterways
Annual General Meeting - Tuesday, 08 November 2022

If you would like to participate in the meeting by submitting your votes prior to your attendance, or are unable to attend the meeting in person, please use this Voting Form to cast your votes.

Please clearly mark one of either "YES", "NO" or "ABSTAIN" for each motion and return in accordance with the instructions below.

The voter (lot owner or proxy holder) must sign and date the last page.

This voting paper must be received no later than the closing date, being 7:30 PM Tuesday, 08 November 2022 to the following:

Email (Preferred): consulting@acebcm.com.au

Post: Ace Body Corporate Consulting
Mordialloc VIC 3195

Name(s) of lot owners (as shown on Title)	
of (address)	
being the owner(s) of lot(s)	
If voting by proxy, name of proxy holder	
Under regulation 7B of the Owners Corporations Regulations 2018, *I/*We cast *my/*our vote as follows: <i>Owners register their vote on the following matters by checking the appropriate boxes</i>	

1 CHAIRPERSON OF MEETING AND MINUTE TAKER: Ordinary Resolution

MOTION:

That the Waterways Owners Corporation Chairperson or Deputy Chair is appointed to chair the meeting, and Ace Body Corporate Consulting to record the minutes of the meeting for distribution to the members of the Owners Corporation.

YES

NO

Abstain

2 QUORUM: Ordinary Resolution

MOTION:

To note those in attendance, apologies, and proxies in order to determine whether a quorum is present.

YES

NO

Abstain

3 ENTITLEMENT TO VOTE: Ordinary Resolution

MOTION:

To note that only financial members are eligible to vote for ordinary resolutions.

YES

NO

Abstain

4 STANDING ORDERS: Ordinary Resolution

MOTION:

That the amended standing orders for the conducting of business at an Annual General Meeting be adopted. (Note: a copy of the standing orders can be found attached).

YES

NO

Abstain

5 DEBT COLLECTION: Ordinary Resolution

MOTION:

- a. That the manager arrange for the issue of debt collection and proceedings against the owner/s of lot/s in arrears, and;
- b. That the Owners Corporation may recover, as a debt due from the person or persons in default or breach, the costs, charges and expenses incurred by the Owners Corporation, (but excluding the personal time cost of any person acting in an honorary capacity including the chairperson, secretary, or committee member of the owners corporation) arising out of any default or breach, by any lot owner, or occupier of a lot, of any obligations under the Owners Corporations Act 2006 or the Owners Corporations Regulations 2018 or the Rules of the Owners Corporation, and;
- c. That the Owners Corporation may recover from any instigating unit owner the cost of any works undertaken for the use of that unit such as but not limited to: - Title Searches, Key Issue / Recovery, Attendance to record searches or other incidentals.

YES

NO

Abstain

6 PENALTY INTEREST: Ordinary Resolution

MOTION:

That the Owners Corporation confirm to charge penalty interest in accordance with the conditions set out by the Owners Corporation Act 2006, Act No. 69/2006 Part 3.

YES

NO

Abstain

7 PENALTY INTEREST - WAIVER: Ordinary Resolution

MOTION:

That if on the 1st working day of the month in which a general meeting occurs there is less than \$7.00 owing on a lot owners account, and this represents penalty interest, that the sum owing will be waived.

YES

NO

Abstain

8 COMMON SEAL: Ordinary Resolution

MOTION:

That the common seal be affixed to the following documents as required; Owners Corporation Certificates, Instruments of Delegations, Contract of Appointment, VCAT Applications, and any other documents executed in the name of the Owners Corporation requiring the common seal to be affixed.

YES NO Abstain

9 APPOINTMENTS & AUTHORISATIONS - COMMITTEE: Ordinary Resolution

MOTION:

That Owners Corporation 1 Plan No.435322B delegates all its other powers and functions to the Committee (other than a power or function that requires a unanimous resolution or special resolution) in accordance with section 11 of the Owners Corporation Act 2006 and the minutes of this Annual General Meeting will be regarded as the necessary instrument of delegation. AND That the Committee has the power to execute any document as required to fulfil those obligations as delegated above.

YES NO Abstain

10 APPOINTMENTS & AUTHORISATIONS - ARCHITECT: Ordinary Resolution

MOTION:

That the Owners Corporation by instrument delegates to Cortese Architects (or their replacement) the functions and powers required to assess proposed new building designs and any subsequent alterations/renovations to a lot to ensure it is compliant with all provisions in the Waterways Guidelines & Model Rules 5.2 & 5.3.

YES NO Abstain

11 APPOINTMENTS & AUTHORISATIONS - MANAGER: Ordinary Resolution

MOTION:

To acknowledge that the Owners Corporation has engaged Trylean East Pty Ltd (ABN 50 108 688 231) trading as Ace Body Corporate Consulting be appointed as Owners Corporation Manager for a period of three years until 1 July 2024.

YES NO Abstain

12 PREVIOUS MINUTES: Ordinary Resolution

MOTION:

That the Minutes of the last Annual General Meeting of the Owners Corporation held 10 November 2021 be adopted and confirmed as a true record and account of the decisions made at that meeting.

YES NO Abstain

13 REPORTS - COMMITTEE: Ordinary Resolution

MOTION:

That the distributed report be accepted.

YES NO Abstain

14 REPORTS - OWNERS CORPROATION MANAGER: Ordinary Resolution

MOTION:

That the distributed report be accepted.

YES

NO

Abstain

15 REPORTS - MAINTENANCE PLAN: Ordinary Resolution

MOTION:

It is a statutory requirement to have a maintenance plan and review that maintenance plan every year. This statement is for statutory compliance.

A 10-year Maintenance Plan was adopted at the 2010 AGM based on the contractual arrangements with City of Kingston. This contractual arrangement has now ceased, and the OC neither owns nor is responsible for any assets apart from the two fountains in the Waterways Lake and the defibrillator, located at Nest Cafe. This will be reviewed again after the CCTV equipment is installed.

There is now no need for a maintenance plan, and these reserved funds are now part of the general OC funds.

YES

NO

Abstain

16 REPORTS - FINANCIAL STATEMENTS: Ordinary Resolution

MOTION:

That the audited financial statement for the period ending 30 June 2022 (which report total members' funds of \$372,554.44 as per report attached) be accepted.

YES

NO

Abstain

17 AUDITOR: Ordinary Resolution

MOTION:

That the Owners Corporation resolves that the statement of accounts for the financial year 01/07/2022 to 30/06/2023 be audited.

YES

NO

Abstain

18 BUDGET - ADMIN FUND: Ordinary Resolution

MOTION:

That the budget for the financial year commencing 1 July 2022, enclosed within the meeting documents, be adopted.

YES

NO

Abstain

19 BUDGET - ADMIN FUND LEVIES: Ordinary Resolution

MOTION:

That the fees be based on \$10.00 per lot liability per lot (\$100 for all lots except for lot 42A which is a double lot and is \$200);and

That the contributions be paid in advance due on 1 January 2023 and will continue at the same rate on an Annual basis until changed by a resolution of the Owners Corporation at a General Meeting.

YES

NO

Abstain

20 COMMITTEE ELECTIONS:

Ordinary Member

Nominations will be called for at the meeting as no nominations were received.

Signed (lot owner(s) or proxy holder)* <i>*By signing the this form you declare that you have the right to vote on behalf of all owners for this lot.</i>	
Printed name(s)	
Date	

Note 1: The lot owner has the right to appoint a proxy.

Note 2: If voting as a proxy or under a power of attorney, please ensure that the Secretary is provided with a copy of the proxy form or power of attorney with your voting form.

Note 3: If a quorum is not present at this meeting (i.e. at least 50% of the total votes or at least 50% of the total lot entitlement for the owners corporation), all resolutions will be interim decisions only. Under section 78(4) of the **Owners Corporations Act 2006**, interim resolutions will become resolutions of the owners corporation 29 days from the date of the interim resolution, unless notice of a special general meeting is given within that 29 days. If notice of a special general meeting is given within that 29 day period, the interim resolution will not become a resolution of the owners corporation (and cannot be acted on) until the resolution is confirmed at the special meeting (which must be held within 28 days after the notice is given) or, if the special meeting is not held, until the end of that 28 day period.

Note 4: If you choose to abstain, your vote will not be included in a show of hands or on a poll, and your vote will not be counted towards the required majority.

Note 5: You, your company nominee or any person having authority to vote in respect of you cannot vote on a motion for an ordinary resolution, unless any amounts owing to the owners corporation have been received (financial member) 4 business days before the meeting.

The right to vote on a special or unanimous resolution is retained irrespective of the financial status of the lot.



**MINUTES OF AN ANNUAL GENERAL MEETING
OWNERS CORPORATION PLAN NO. PS435322B - No1
ADDRESS OF THE OWNERS CORPORATION: WATERWAYS, VIC, 3195**

The meeting was held via video conference on Wednesday 10 November 2021 at 7.30pm

1 CHAIRPERSON OF MEETING AND MINUTE TAKER:

RESOLUTION:

That Waterways Owners Corporation Chairperson, Alex Martin, is appointed to chair the meeting, and Ace Body Corporate Consulting to record the minutes of the meeting for distribution to the members of the Owners Corporation.

Yes	No	Abstain	Invalid
165	0	2	2

2 QUORUM:

RESOLUTION:

Upon presentation of proxies and noting people present it was declared that a quorum was not present, therefore all decision of this meeting are interim decisions.

The decisions set out in these minutes are interim decisions and these minutes, forwarded to all members within 14 days of the meeting, constitute notice of those decisions. Unless a petition is received from members representing at least 25% of the total lot entitlement within 28 days of the meeting, for a Special General Meeting to be held, the decisions become resolutions of the Owners Corporation from the date of the interim resolutions (S78 (4) (a)).

PRESENT IN PERSON (INCLUDING PRE-VOTING)

7	Janine Wade	407	Mr J & Ms S Nye
12	Kirk Devers	415	Fiona Mary Donald & Heather Anne Rowland
42A	Shumin Sang	416	Graeme Carter
73	Paul G & Danielle G N Holding	424	Paul Street and Constantina Street
78	Mr M & Mrs K Cooper	429	Nicole Mitchell and Craig Beckman
91	Anna (Meng) Shen	443	Mr N & Mrs N Oliver
95	David Barlow and Claire Barlow	463	Wesley & Laura Evans
100	Mr Antonio D'Ali & Mrs Adriana D'ali	480	Martin & Sylvia Roberts
109	Catherine Diakogeorgiou	484	Kiersten Lethbridge
131	Ms G Ash	492	Kon & Helen Makrakis
155	Ms D M Price	505	Tuan A Do
165	Fred Alale	510	Daniel Konca
171	Kapila Jayasekera and Nimma Jayasekera	522	Garry Slack and Bev Slack
174	Joel & Isabelle Maclou	528	Rose Gyarmati
178	Sajith K De Fonseka	530	Lauri J Birthisel & Marita C Anderson
186	Janine Alexander	534	Ms Kusum Jayaratne
188	Stephen Bardsley and Elizabeth Bardsley	536	Matthew Philip Iles
196	Mr & Mrs Vinay	541	Mr Claudette Sam & Mrs Alexander Sam

MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1

203	Mr A B Cox	548	Alex Chan
211	David Flew	560	Tunde Adebayo and Bunmi Adebayo
216	Patrick Lum	563	Carlene & Craig Whatman
220	Unni Krishnan & Gowri Nair	584	Warren & Vicky Smith
221	Alex Martin	588	Alistair & Amy Nadia McVean
227	Robert Grummitt and Erika Grummitt	593	Dr Hans Prem
238	Robert Cocks	595	Carl Roode & Alison Roode
240	Cheryl Long	598	Lynette Dow
241	Geoffrey Cadwallader and Heather Cadwallader	605	Mrs. Josephine Grey
280	Mr Antonis & Mrs Tapene Alevizopoulos	612	Keith & Sandra Sanderson
287	Mr S & Mrs E Geromanolis	1003	Zhisheng Cheng & Chunjuan Pei
293	Adrian Korybutiak	1004	C & R Gibbons
294	James Hexter and Betty Ashton-Bell-Hexter	1006	David Whaley & Gaytana Adorna
320	Kenneth Merton Ryall	1010	Simon Williams and Kirsty Williams
321	Simon Thompson	1014	Robert M & Michelle C Covey
322	Giuseppe Celona	1032	Leang Kang
330	Robert William Metherall	1034	Raymond W Allen
364	Jeremy & Emilia Fabos	1050	Holger Wolff & Barbra Winkler-Wolff
394	Anthony McGovern	1073	Jianlong Huang
405	Chandana Gamage and Nayanamali Gamage	1101	Shanthi Pillai
		1145	Samuel Ho & Michelle Chee

PROXIES

165	Frederick & Claire Alale in favour of Fred Alale
109	George & Catherine Diakogeorgiou in favour of Catherine Diakogeorgiou
174	Joel & Isabelle Maclou
216	Patrick & Annie Lum in favour of Patrick Lum
221	Amanda Healy & Alex Martin in favour of Alex Martin
238	Nola & Rob Cocks in favour of Rob Cocks
320	Kenneth & Lynette Ryall in favour of Kenneth Ryall
364	Jeremy & Emilia Fabos in favour of Emilia Fabos
528	Rose Gyarmati in favour of Alex Martin
598	Alan & Lynette Dow in favour of Lyn Dow
612	Keith Sanderson in favour of Simon Thompson

In favour of Kirk Devers

1	LYT Leong & MHH Chang	198	Nader Yakoub & Gina Tadros
2	Ivan & Marija Kurta	225	Pamela Thorn
5	My Truong Vo & Xuan Tuyet Ho	243	Adele Connolly
6	Conrad & Arlene D'Cruz	253	Anupama Gururat & Gururaj Nagendra Rao
8	Zvonko & Kata Majstorovic	263	Anthony Sharpe
9	Yan Chen	273	Petula Fletcher
10	Avril Howard	326	Ivan & Helenor Regester
11	K Him & D Lim	327	John & Anita Nikas
12	Rhonda Devers	334	Leonardo Leo & Mary Anne Addorisio

MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1

14	Nga T Nguyen & Hiep X Do	335	Biet Chau & Sotheara Lim
19	Jocelyn & Nazira Roussety	336	HP Nguyen & M Quach
20	Charles & Lena Surace	339	Jirong Wang, Jing Zhao
22	Louis & Stella Bourazikas	344	Min Fi Lay
25	Max Rumble & Marie-Claire Comarmond	346	Malcolm & Faye Hardman
26	Janet Hong	370	Xiao Jin Yu
27	James & Rita Gannon	373	Wayne Marlow
29	Mr L & Prue Martin	374	Marco Mazzanti
31	Andrew Loc Huynh	410	Rochelle Winestone
32	Andrew Hee Joon Li	418	Brian & Brenda Mackellin
37	Covi Lac	421	Pulkit Khurana & Meenakshi Malhotra
38	Ranjini Dassenaike	423	Wei Wang
39	Jo-Anne Fleischer	441	Xiang Meng
40	Guiseppe & Emma Castaldo	442	Zheng Jian Zhu & Pei Juan Zhang
42A	Shumin Sang	503	Hay Khim Chang
45	Bob Mitrovic	504	Richard & Su Chang
48	Peter & Angela Marshall	507	Andy & Alison Roughton
49	Riccardo & Frances Costa	536	Matthew Iles
51	L & D Guevarra	539	Mr George Lai & Kimberly Joy Fulton
52	Sim & Kheng Taing	545	Huy Minh Vu & Han Vy Tran
53	Giang Le & Thao-Thi Hoang	551	Sanjana & Sudesh Shingote
54	Sau Har Maggie Cheng	552	Bingfu Wang
56	Eddy Ying C Lo	558	Ping Qian
58	Sujata Agarwal & Manish Bhasin	583	Niranjan & Avantika Gosavi
59	Khanh Cao Quach & Thao Ha Da Nguyen	592	Carlo Bellino
63	Errol Henderson	599	Rosemary Cavey
66	Jose & Alma Garcia	609	Ming Li & Xiao Yan Liu
67	Bianca Impellizzeri	1001	Carlos De Fatima De Jesus Silva Lay
68	Anna Prochaska	1009	Jinxu Huang
77	Peter & Nuray Ozdemir	1011	Xiao Yu Guo & Pei Zhang
87	Richard & Robyn Thompson	1026	Nadia Candido
89	Teresa Bozzo	1033	Rachel McLean
92	Yvonne Mansfield	1044	Lilian Caster
93	Anthony Flint	1054	Kate & Igor Treguobenko
96	David Walker	1057	Conrad & Arlene D'Cruz
124	Craig Semple & Xiaofang Cui	1076	Dhanpal & Paragashinee Chetty
129	Dorix Atton	1096	Md Aminul Haque Nabil
130	Tujia Zhu & Minhui Tang	1129	Sheryl Chard
151	Arun & Deepti A Rampal	1031	Nedzad & Alma Celahmetovic
153	Tania Sabados		
160	Terry Georgiou		
171	Kapila & Nirmala Jayasekera		
173	Angelo & Lisa Arena		
197	Stanley & Jennifer Lobo		

APOLOGIES

528 Rose Gyarmati

IN ATTENDANCE

Representing Ace Body Corporate Consulting:
Julie McLean Secretary for Waterways
Katherine Mao Owners Corporation Manager
Mark McLean IT Systems Engineer

**MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1**

3 ENTITLEMENT TO VOTE:

	Financial	Unfinancial
Pre-meeting votes:	31	0
Present in person by virtual attendance or by proxy:	136	2
Total votes:	167	2

RESOLUTION:

To note that only financial members are eligible to vote for ordinary resolutions.

4 STANDING ORDERS:

RESOLUTION:

That the standing orders for the conducting of business at an Annual General Meeting be adopted. (Note: a copy of the standing orders can be found on MyCommunity).

Yes	No	Abstain	Invalid
165	0	2	2

5 DEBT COLLECTION:

RESOLUTION:

That the Owners Corporation may recover, as a debt due from the person or persons in default or breach, charges and expenses incurred by the Owners Corporation arising out of any default or breach by a lot owner or occupier of a lot of any obligations under the Owners Corporation Act 2006 or Owners Corporation Regulations 2018 or the Rules of the Owners Corporation (including the Additional Rules registered against PS No. 435322B).

Yes	No	Abstain	Invalid
163	1	3	2

6 PENALTY INTEREST:

RESOLUTION:

That the Owners Corporation confirm to charge penalty interest in accordance with the conditions set out by the Owners Corporation Act 2006, Act No. 69/2006 Part 3.

Note: The penalty interest rate is currently set at 10%. We understand from time to time members may accidentally overlook the payment of a fee notice or have experienced financial difficulty. The below resolutions are to be considered to provide a clear delegation to the strata manager to efficiently support consideration of minor amounts when lot owners call to settle outstanding accounts. Should the below motion pass the Owners Corporation (all owners) will incur the late payment costs that have been incurred in seeking to obtain payment of the outstanding fees. The amounts specified in the resolution will be the maximum amount to which the strata manager will be delegated consideration, any amounts on the owners ledger above this threshold will be required to be referred to the Committee/Owners Corporation in their entirety. Should an owner contact the strata manager to discuss not being able to make the payment on time and in full, prior to the due date of the fee notice, the strata manager will suppress the accumulation of fees and charges for a period of up to 30 days within which payment in full must be received or a bona fide payment arrangement entered with the first payment having been received. Should you fail to comply with the payment in full or the payment arrangement, fees and charges will be accrued from the date at which the fees fell due.

Yes	No	Abstain	Invalid
156	7	6	2

MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1

7 PENALTY INTEREST - WAIVER:

RESOLUTION:

That if on the 1st working day of the month in which a general meeting occurs there is less than \$7.00 owing on a lot owners account, and this represents penalty interest, that the sum owing will be waived.

Yes	No	Abstain	Invalid
159	3	8	2

8 COMMON SEAL:

RESOLUTION:

That the common seal be affixed to the following documents as required; Owners Corporation Certificates, Instruments of Delegations, Contract of Appointment, VCAT Applications.

Yes	No	Abstain	Invalid
162	0	8	2

9 APPOINTMENTS & AUTHORISATIONS - COMMITTEE:

RESOLUTION:

That Owners Corporation 1 Plan No.435322B delegates all its other powers and functions to the Committee (other than a power or function that requires a unanimous resolution or special resolution) in accordance with section 11 of the Owners Corporation Act 2006 and the minutes of this Annual General Meeting will be regarded as the necessary instrument of delegation. AND That the Committee has the power to execute any document as required to fulfil those obligations as delegated above.

Yes	No	Abstain	Invalid
165	0	6	2

10 APPOINTMENTS & AUTHORISATIONS - ARCHITECT:

RESOLUTION:

That the Owners Corporation by instrument delegates to Cortese Architects (or their replacement) the functions and powers required to assess proposed new building designs and any subsequent alterations/renovations to a lot to ensure it is compliant with all provisions in the Waterways Guidelines & Model Rules 5.2 & 5.3.

Yes	No	Abstain	Invalid
158	8	5	2

11 APPOINTMENTS & AUTHORISATIONS - MANAGER:

RESOLUTION:

To acknowledge that the Owners Corporation has engaged Trylean East Pty Ltd (ABN 50 108 688 231) trading as Ace Body Corporate Consulting be appointed as Owners Corporation Manager for a period of three years until 1 July 2024 and that the Owners Corporation committee is authorised to execute an agreement by affixing the common seal in accordance with Sections 20 and 21 of the Owners Corporations Act 2006 and to delegate powers and functions to the manager as necessary.

Yes	No	Abstain	Invalid
164	4	4	2

MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1

12 PREVIOUS MINUTES:

RESOLUTION:

That the Minutes of the last Annual General Meeting of the Owners Corporation held 9th September 2020 be adopted and confirmed as a true record and account of the decisions made at that meeting.

Yes	No	Abstain	Invalid
156	0	17	2

13 REPORTS - COMMITTEE:

RESOLUTION:

That the distributed report be accepted.

Yes	No	Abstain	Invalid
160	0	13	2

14 REPORTS - OWNERS CORPORATION MANAGER:

RESOLUTION:

That the distributed report be accepted.

Yes	No	Abstain	Invalid
162	0	11	2

15 REPORTS - MAINTENANCE PLAN:

RESOLUTION:

That the distributed report be accepted.

Maintenance Plan Report: 10 year Maintenance Plan was adopted at the 2010 AGM based on the contractual arrangements with City of Kingston. This contractual arrangement has now ceased, and all assets other than the Lake Fountains are now managed by City of Kingston. The Maintenance Fund has been reduced to \$25,000 which represents the replacement cost of one of the fountains.

Yes	No	Abstain	Invalid
163	0	10	2

16 REPORTS - FINANCIAL STATEMENTS:

RESOLUTION:

That the Audited Financial Statements for the Year Ending 30th June 2021 be accepted.

Yes	No	Abstain	Invalid
167	0	6	2

MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1

17 CCTV PROPOSAL:

RESOLUTION:

Pursuant to the Owners Corporation PS 435322B registered Rule 5.1.1 that the Owners Corporation agrees to the City of Kingston proposal to source, procure, install, commission and manage data retrieval (in accordance with Council protocols), signage, maintenance and cleaning costs and that the ongoing costs of that management will be the responsibility of the City of Kingston; and

That the Owners Corporation will provide to City of Kingston the funds to purchase the Solar Powered CCTV system, up to a maximum amount of \$143,000 inclusive of GST; and

That the Owners Corporation will provide to City of Kingston the funds for replacement of cameras (in no less than five (5) years) associated with maintaining the system in line with technology enhancements and City of Kingston specifications, up to a maximum amount of \$49,500 inclusive of GST and

That the committee is delegated the authority to execute any agreement in line council resolution 27/9/21 9.2.1 and affix the common seal if required.

Yes	No	Abstain	Invalid
156	13	4	2

18 CHANGE OF FINANCIAL YEAR:

RESOLUTION:

That the current Owners Corporation Financial Year of 1st January – 31st December be changed to 1st July – 30th June, commencing 1st July 2021.

Yes	No	Abstain	Invalid
163	1	9	2

19 BUDGET - ADMIN FUND:

RESOLUTION:

That the budgets for the period 1/1/21 – 30/6/22 as circulated with the agenda be adopted and apportioned as follows:

For the period 1/1/21 – 30/6/21 a proposed budget of \$59,734.40 (inc GST).

For the period 1/7/21 – 30/6/22 a proposed budget of \$107,309.40 (inc GST) without CCTV and \$250,309.40 (inc GST) with CCTV.

Yes	No	Abstain	Invalid
160	3	10	2

MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1

20 LEVY AMENDMENT:

RESOLUTION:

That the Fee notice previously issued 1/6/21 for the period 1/1/21 to 31/12/21 be amended to be for the period 1/1/21/- 30/6/22. And that fees for the period be apportioned as follows:

For the period 1/1/21 – 30/6/21 is \$66.67 inc GST for all lots except Lot 42A which is \$133.33.

For the period 1/7/21 – 30/6/22 is \$133.33 for all lots except Lot 42A which is \$266.67.

And that commencing 1st July 2022 the annual fees will continue at \$100.00 inc GST for all lots except Lot 42A which is \$200.00 inc GST, based on \$10.00 per lot liability, until changed by a resolution of the Owners Corporation at a General Meeting.

Yes	No	Abstain	Invalid
161	3	9	2

21 COMMITTEE ELECTIONS:

RESOLUTION:

That the Owners Corporation committee shall comprise no more than 7 members and that the committee comprises those lot owners nominated (or their nominated proxy) and elected in accordance with Standing Order 2, 3 & 4.

Yes	No	Abstain	Invalid
166	1	6	2

Election of Committee

Election Of Ordinary Members

Kirk Devers, Catherine Diakogeorgiou, Emilia Fabos, Alex Martin, Weixian Shao, Simon Thompson, Janine Wade have been elected to the committee.

Name	Details Votes	Outcome
Frederick Alale	28	
Kirk Devers	127	Elected
Catherine Diakogeorgiou	120	Elected
Lynette Dow	21	
Emilia Fabos	120	Elected
David Flew	24	
Alex Martin	134	Elected
Weixian Shao	115	Elected
Simon Thompson	129	Elected
Janine Wade	126	Elected

Note: Lot 211 called for a Poll Vote and unfortunately lost connection at the appropriate time and the resolution moved on before the Chair was aware. On becoming aware the Chairperson noted to those in attendance the requirements for conducting a poll vote and acknowledged that the outcome would have not changed as, the vote was already in writing and lot entitlement is equal.

**MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1**

GENERAL BUSINESS:

The following questions were asked at the meeting:

<p>Why 3 years management contract not 1 year?</p>	<p>The Committee negotiated a substantial reduction in costs by having a 3-year contract as well a mechanism to terminate earlier if required.</p>
<p>Will member of the committee oversee/work with the Council Project Manager in ensuring the implementation is compliant with our scope of works and that should there be any variation to the costs that they are approved by the Committee?</p>	<p>The scope of works was developed by Council and equipment specified in accordance with their requirements. All pricing has been obtained prior to finalising submissions - including provision for a contingency. The WOC has a working group, formed to work with Council on the implementation of the project.</p>
<p>What guarantee you get from Kingston that they would not increase rates?</p>	<p>Rates are a Tax levied by the Local Government Authority (LGA) and no guarantees can be made by anyone they will not increase. Given rates are calculated based on property values, in the current climate, rates will continue to increase no matter what. Furthermore, the CCTV for Waterways forms part of the City of Kingston Annual Budget. Just because there is a provision of a service, does not mean there is an increase in rates, given rates are linked directly to property and land values.</p>
<p>For how long the council have promised to cover the ongoing costs?</p>	<p>The ongoing costs of the system will continue for at least 15 years in line with the financial commitment of the WOC. It is expected this will continue thereafter and in line with Technological advancements. A formal head of agreement and service contract will be executed between the COK and WOC, whereby this commitment and investment will be formalised.</p>
<p>What data is available to show that CCTV prevents crime rather than just be a tool to solve crime?</p>	<p>There are substantial longitudinal research papers which have evaluated and compared areas which do and don't have CCTV and the evidence clearly shows there is less crime where CCTV is in place. CCTV does act as a deterrent, however, is not full proof in preventing all crime. It's value in capturing evidence to help solve crimes is well proven and there are vicarious benefits to the wider community through having such a system in place.</p>
<p>Why is committee limited to 7 people?</p>	<p>In 2014 with the help of a consultant the committee undertook a review of the size of the committee and found that a committee of 7 was the most efficient and effective size for a committee. Further it found the appointment of sub-committees for those who were interested in the special interest activities of community, finance and grounds & gardens to support the committee was a more effective use of a volunteer's time and the Rules were amended to allow the appointment of subcommittees. A committee size of 7 is consistent with the Associations Act and the new amendments of the Owners Corporation Act commencing 1/12/21.</p>

MINUTES OF AN ANNUAL GENERAL MEETING – Wednesday, 10 November 2021
OWNERS CORPORATION PLAN NO. PS435322B - No1

NEXT MEETING:

The next Annual General Meeting is tentatively scheduled for October 2022.

CLOSE:

As there was no further business, the meeting was declared closed at 08:36 PM.

Waterways Owners Corporation Committee Report

Once again the last 12 months have been dominated by the pandemic, and adapting to new ways to engage without face to face meetings. Whilst all of us have been impacted by the virus in some way, we have still managed to meet 12 times as a committee for normal business meetings, meeting with Kingston Council or with our lawyers. Thankfully we have started face to face meetings again, so on a Saturday or Sunday morning you may well see your committee having a coffee at the Nest - please feel free to say hello.

A major theme of this year has been lawyers! Reviewing and amending contracts with Kingston Council, responding to requests from former committee members, and understanding what we can and can't do as a committee in terms of provisioning new amenities for our suburb and community.

The last point has been significant. For a long time we have been hamstrung on being able to commence new and worthwhile projects for Waterways.

Legislative reform provided the opportunity to review how those changes impacted Waterways responsibilities and those that provide opportunities. We consulted the lawyers that have been involved with Waterways since 2014, as they understand the different layered obligations stemming from Planning agreements and their impacts on the owners corporation for committee governance, committee operations and rule enforcement. The advice is essentially that we can enter into joint ventures between Kingston Council and/or Melbourne Water that create new amenities for Waterways. This is an exciting time and sets us up for a great future.

Another topic this year has been to ensure that we have a code of behaviour for our committee members and we all behave in an ethical, fair and respectful way to each other. The Committee Charter continues to embody our guiding principles and has been reviewed and aligned with our new statutory duties. We also strengthened our charter to include a code of conduct that all committee members sign up to and agree to abide by. You can find our charter at www.waterways.com.au

Late 2021 we surveyed you after last years AGM, to help us plan for this AGM. Overwhelmingly respondents preferred the flexibility of voting remotely either before the meeting or online during the meeting. The StrataVote platform used for the meeting management continues to improve and this year we will have 2 way communications.

The CCTV joint venture project with Kingston Council is progressing. The Kingston Council has committed significant time and resources to its implementation. We have had many planning meetings, viewed camera specifications, locations and actual camera visions. We have also been involved in the drafting of the funding agreement and await the final version. It has been important that we have any legal agreements reviewed so that we may protect the interest of our Waterways residents. This of course inevitably slows things a little, and we've not been helped either by Kingston Council being impacted by some key staff turnover. We expect the agreement to be finalised shortly and from our side are actioning any requests as quickly as humanly possible. Patience in dealing with Kingston Council is indeed a virtue.

Even though Waterways does not have any common property as part of the subdivision process, it has acquired common shared assets for which the owners corporation has a commitment to repair and maintain. These assets include the two floating lake fountains and the defibrillator, soon this list will grow CCTV camera equipment. All of this equipment or services bring a benefit for owners at Waterways.

The committee has continued to deliver value for money and reviewed again the 3 year financial plan adopted 18 months ago and has moved the due date for annual levy to occur after the AGM for that year. In effect this gives us everyone an extra 6 months of no levy, which I'm sure will have put a smile on many of your faces.

Moving the due date means a decision can be made about the budget and levy amount before levies are required to be raised. This will also give the new committee an opportunity to review and adopt a new financial plan.

Our current Committee is Alex Martin (Chairperson), Janine Wade (Deputy Chairperson), Simon Thompson and Emilia Fabos with Ace Body Corporate continuing in their role as Secretary.

We look forward to the opportunity to continue to act on your behalf and continue to make Waterways even better!

Kind Regards
Alex Martin
Chairperson

MANAGERS ANNUAL REPORT (INCLUDING SECRETARIAL FUNCTIONS)

1 July 2021 TO 30 June 2022

HIGHLIGHTS OF 2021/2022 Year

- 41 new owners chose Waterways as their new home
- 66 owners corporation certificates issued
- Over 80% are owner occupiers
- 6 vacant lots
- Owners Corporation Act amendment Bill passed and commenced 1/12/22
- New Model Rules – some that impact Waterways
- Transitioned to virtual meeting technologies for general and committee meetings
- Manage the waterways.com.au website and MyCommunity portal
- Supporting the committee and its charter
- Committee Meeting minutes posted under Documents/Meetings

CORRESPONDENCE

During the year we received queries relating to:

- Site management referred to City of Kingston: aggressive dogs, dogs of lead, parking on parklands, Melbourne Water updates
- Community: Mordialloc Freeway, open space concerns, lake fountain maintenance, entrance fountains
- Administration: Levy query, Real Estate sign application, Garden maintenance, DRC, Change of address

COMMITTEE MEETINGS

Organized and attended 10 after hours committee meetings. Conducted email ballots outside of committee meetings. Attended two other after hours meeting with external stakeholders. Provided additional service when required:

- Dispute resolution management
- Insurance
- Survey Monkey
- Real Estate board approvals
- Updating the owners corporation register
- Issue welcome packs for our new lot owners

All committee meeting minutes kept for Owners Corporation records.

COMMON SEAL

The common seal was affixed to:

- 66 Owners Corporation Certificates

COMPLIANCE

The Owners Corporation Committee and Management understand the importance of compliance for Waterways, in line with “keep it looking good” as keeping a tidy & safe estate ensures that your property value remains high and it keeps the general living standard enjoyable for all families.

Compliance continues based on neighbour reports and applications for landscape changes, building renovations, pools and fence replacements.

Commencing 1/12/22 the Model Rules for owners corporations were updated and included a new Model Rule:

5.2 External appearance of lots

(1) An owner or occupier of a lot must obtain the written approval of the owners corporation before making any changes to the external appearance of their lot.

(2) An owners corporation cannot unreasonably withhold approval, but may give approval subject to reasonable conditions to protect quiet enjoyment of other lot owners, structural integrity or the value of other lots ~~and/or common property.~~

- (3) The owners corporation cannot unreasonably prohibit the installation of sustainability items on the exterior of the lot, including by prohibiting the installation of a sustainability item only on aesthetic grounds.
- (4) The owners corporation may require that the location of a sustainability item, or the works involved in installing a sustainability item, must not unreasonably disrupt the quiet enjoyment of other lot owners or occupiers or impede reasonable access to, or the use of, any other lot or the common property.
- (5) The owners corporation may impose reasonable conditions on the installation of a sustainability item on the exterior of the lot related to the colour, mounting and location of the sustainability item provided that these conditions do not increase the cost of installing the sustainability item or reduce its impact as a sustainability item.

This new Model Rule supports the Waterways Rules and Design Guidelines already established. The Committee is responsible for approving any applications for changes to external appearance and has established some policies to help guide owners. The committee has consulted Kingston Council who has confirmed that these types of policies are not planning matters and are supportive of the committee's management processes:

1. Fence Colours and materials
2. Pool Fences and fence heights
3. Minor landscape changes
4. Exterior colour changes
5. Roof Mounted equipment
6. Solar panels

Complaints to the Owners Corporation under Part 10 (section 159) of the Owners Corporations Act 2006

1. Number of Complaints received in accordance with Section 152: 0
2. Number of Breach Notices issued in accordance with Section 153 (1b):
 - 1 lot were sent breach notices in relation to breaches of rule 3.7 (bins)
 - 1 lot were sent breach notices in relation to breaches of rule 3.5 (garden upkeep)
 - 1 lot were sent breach notices in relation to breaches of rules 4.2 (parking)

Applications to the Victorian Civil and Administrative Tribunal (VCAT) up to 30/6/22

1. Number of matters where an application was made to VCAT for debt collection were:

Matter in VCAT - Current	0
Matter in Magistrate Court - Current	0
Matters resolved during year	0

2. Number of matters where an application was made to VCAT for Rule enforcement:

Matter in VCAT	0
Matter in Supreme Court	0
Matters resolved during year	0

3. Number of matters where an application was made to VCAT for any other reason: Nil
4. Number of matters where an action was brought against the Owners Corporation at VCAT: Nil

FINANCIAL MATTERS

- **Monthly and quarterly Financial Reports:** supplied to the committee, including cash flow statements
- **Financial Audit:** The accounts have been audited by LSA Partners Pty Ltd Auditors
- **Debt Collection:** Reminder notices and final fee notices were sent to owners in arrears before proceeding to VCAT.

Payment Plans - Current	4
Reminder Notices sent for year	325
Final Fee Notices sent for year	82

- **Penalty Interest:** \$ 2,247.79 of penalty interest has been received for the period.
- **Penalty Interest waived:** \$26.47
- **Term Deposits:** The following deposits are held with interest deposited to the administrative fund working account:

Macquarie Bank PS435322B TD1, TD2, TD3,	\$40,000	3 months term (to roll over for 6 monthly term on maturity)	Maturity 29 August 2022	1.20%
Macquarie Bank PS435322B TD4	\$40,000	3 months term (to roll over for 3 monthly term on maturity)	Maturity 29 August 2022	1.20%
Macquarie Bank PS435322B TD5	\$40,000	3 months term	Maturity 19 Sept 2022	1.35%
Macquarie Bank OPCS435322B TD13	\$40,049.86	3 months term	Maturity 12 Sept 2022	1.20%

Interest from Term Deposits and working account: \$1226.90 of Interest from these accounts has been paid to the working account.

INSURANCE

The Owners Corporation Insurance obligations were reviewed prior to renewal at 30 June 2022 and a new policy was taken with Local Community Insurance Services with QBE Insurance for public liability \$20 million, Association Liability \$5 million, Voluntary workers \$100,000. Total premium \$3,952.95.

LEGAL ADVICE

The Owners Corporation sought legal advice from the following legal firms:
 Berrigan Doube Lawyers – Debt Recovery, Rule review and committee governance
 Kemps Peterson – Debt Recovery

MANAGERS PROFESSIONAL INDEMNITY

Insurer: Allianz Australia Insurance Limited
 Type of Cover: Professional Indemnity Insurance
 Limit: \$20,000,000
 Policy No: 71-1182888LCP
 Policy effective date: 30th June 2022
 Policy expiration date: 30th June 2023

OWNERS CORPORATION REGISTER

Ace continues to maintain the Owners Corporation Register

WEBSITE (Mycommunity)

Management of Mycommunity owners and committee portal. Facility provides owners the ability to be kept up to date with notices and events as well to be able to view online levy statements.

- 550 users registered for Mycommunity portal
- Notices and events posted
- Relevant OC documents uploaded

WEBSITE (Waterways.com.au)

Management of public facing webpage, including owners corporation pages and uploading of Newsletter. Also includes the management of the domain name and associated email addresses.

SURVEYMONKEY

Management of SurveyMonkey account, compiling survey, management of returns and compiling results.

ACKNOWLEDGEMENT

The team of Ace Body Corporate Consulting would like to thank the Waterways Committee and the challenges we continue to face together, including through COVID-19, are as always are truly rewarding.

A big thank you to the whole committee. It's been a tough Covid riddled year for our committee who are volunteers, have families and friends to care for as well. for ensuring committee good governance. A special thank you to our Chairperson Alex Martin and Deputy Chair Simon Thompson and Janine Wade who despite their own challenges still managed to keep calm and carried on.

Katherine Mao & Julie McLean

Owners Corporation Manager and Secretary for Waterways

INDEPENDENT AUDITOR'S REPORT

To the Members of Owners Corporation 435322B1

Report on the Financial Report

We have audited the accompanying financial report of Owners Corporation 435322B1, which comprises the Balance Sheet with a Net Asset Value as at 30 June 2022 of \$372,554 and the Statement of Income and Expenditure for the year then ended.

Owners Corporation Responsibility for the Financial Report

The Owners Corporation, or those charged with governance are responsible for the preparation and presentation of the financial report and the information contained therein. They have determined that the basis of accounting used is appropriate to the needs of the members, and that such internal controls as determined necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Owners Corporation's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Our audit here has been limited to the verification of the amounts as disclosed in the Income and Expenditure statement as prepared by the Owners Corporation or those charged with governance.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the responsible entities, as well as evaluating the overall presentation of the financial report. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

LSA PARTNERS PTY LTD

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ABN 59 341 831 414

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Auditor Independence

In conducting our audit, we confirm we satisfy the criteria as set out under Section 35 of the Owners Corporation Act 2006. We have also complied with the independence requirements of Australian professional ethical pronouncements.

Opinion

In our opinion, the financial report of Owners Corporation 435322B1 presents fairly, in all material respects the financial position as at 30 June 2022, and of its income and expenditure for the year then ended in accordance with the requirements of the Owners Corporation Act 2006



.....
Auditor: Le Ta CPA
Firm: LSA Partners Pty Ltd
Accountants & Advisors
Address: 121 Burwood Highway, Burwood VIC 3125
Date: 7 September 2022

ANNUAL FINANCIAL STATEMENTS

For the period 1 July 2021 to 30 June 2022

Prepared For

Waterways

Plan No. PS435322B - No1

Waterways
WATERWAYS VIC
Vic 3195

Manager

Katherine Mao
Ace Body Corporate Consulting

Printed

7 September 2022



07.09.2022

Balance Sheet

Administrative & Maintenance Fund

Owners Corporation for Plan No. PS435322B - No1

As at 30th June 2022

Waterways WATERWAYS VIC Vic 3195

ABN/ACN 96 234 209 650

Assets

2022

Cash		128,441.75
Investment Account	Note 9	240,049.86
Accounts Receivable	Note 10	10,782.20
Levies in Arrears	Note 11	14,802.11
GST balance to collect		6,881.13
Total Assets		\$ 400,957.05

Liabilities

Levies in Advance	Note 13	10,316.94
Accounts Payable Liability	Note 14	14,356.40
Unallocated Monies Received	Note 12	1,900.66
GST Liability		1,828.61
Total Liabilities		\$ 28,402.61

Net Assets **\$ 372,554.44**

Equity

Administrative Fund	372,554.44
Maintenance Fund	0.00
Total Equity	\$ 372,554.44



07.09.2022

Income and Expenditure Statement

Administrative Fund

Owners Corporation for Plan No. PS435322B - No1

1 July 2021 to 30 June 2022

Waterways WATERWAYS VIC Vic 3195

ABN/ACN 96 234 209 650

Income	Actuals	Budget
	01/07/21 30/06/22	01/07/21 30/06/22
Administrative Fees & Charges	9,802.00	0.00
Bank Fees & Charges - DEFT fees	11.00	0.00
Levies - normal	(772.38)	68,636.36
Levies - other	3,513.49	0.00
Investment Transactions - interest received	49.86	0.00
Mutual Revenue - penalty interest	2,247.79	0.00
Non-Mutual Revenue - administrative charges	0.40	0.00
Non-Mutual Revenue - bank interest	1,226.90	0.00
	16,079.06	68,636.36
Expenditure		
Accountant	2,250.00	1,500.00
Accountant - BAS/IAS fees	909.10	1,400.00
Administrative Fees & Charges	9,965.09	15,080.00
Bank Fees & Charges	(15.00)	0.00
Committee Expenses	0.00	1,818.00
Community Manager - Newsletter	815.00	3,000.00
Consultant - Compliance Manager	16.80	18,182.00
Debt Collection Service	3,050.00	4,545.00
Employment Costs - PAYG withholding	0.00	1,636.00
Facilities Manager - Garden & Grounds Extras	3,755.48	2,545.00
Insurance Premiums	3,952.95	4,000.00
Legal Services	6,640.00	13,636.00
Meeting Rooms	0.00	2,000.00
Pumps & Motor Maintenance	0.00	9,091.00
Security Services	0.00	130,000.00
Strata Manager	10,795.92	14,394.00
Strata Manager - additional services	10,824.00	4,545.00
Strata Manager - disbursements	11,310.00	0.00
Taxes, Fees & Charges	0.00	182.00
Taxes, Fees & Charges - income tax	91.80	0.00
	64,361.14	227,554.00
Surplus / Deficit for period	(48,282.08)	(158,917.64)



07.09.2022

Income and Expenditure Statement (continued)

Administrative Fund

Owners Corporation for Plan No. PS435322B - No1

1 July 2021 to 30 June 2022

Waterways WATERWAYS VIC Vic 3195

ABN/ACN 96 234 209 650

Summary

Opening Balance as at 1 July 2021	420,836.52
Total Revenue during period	16,079.06
Total Expenditure during period	(64,361.14)
Administrative Fund balance as at 30 June 2022	\$ 372,554.44



07.09.2022

Income and Expenditure Statement

Maintenance Fund

Owners Corporation for Plan No. PS435322B - No1

1 July 2021 to 30 June 2022

Waterways WATERWAYS VIC Vic 3195

ABN/ACN 96 234 209 650

Income	Actuals	Budget
	01/07/21 30/06/22	01/07/21 30/06/22
	0.00	0.00

Summary

Opening Balance as at 1 July 2021	0.00
Total Revenue during period	0.00
Total Expenditure during period	0.00
Maintenance Fund balance as at 30 June 2022	\$ 0.00



07.09.2022



Notes To Financial Statements

Owners Corporation for Plan No. PS435322B - No1

Waterways WATERWAYS VIC Vic 3195

ABN/ACN 96 234 209 650

Note 1 Summary of Accounting Policies

This special purpose financial report has been prepared for distribution to owners to fulfill the owners corporation's financial reporting requirements. The accounting policies used in the preparation of this report, as described below, are in the opinion of the owners corporation manager appropriate to meet the needs of owners. (a) The financial report has been prepared on the Accrual basis of accounting including the historical cost convention and the going concern assumption. (b) The requirements of Accounting Standards and other professional reporting requirements in Australia do not have mandatory applicability to the body corporate because it is not a "reporting entity" as defined in those Standards.

Note 2 Levies in Arrears, in Advance, not Due and payments unidentified

Any items shown as "Levies in Arrears" and "Levies in Advance" in the Balance Sheet represent the position of all levies in arrears or advance, as the case may be, as at the balance date. Any items shown as "Levies not Due" in the Balance Sheet represent levies which have a due date after the balance date. Any items shown as "Levy payments unidentified" in the Balance Sheet represent levy payments that have been received, however could not be identified and therefore allocated to a unit correctly, these funds are held as a liability until they can be correctly allocated. Any other charges against unit owners in arrears or payments in advance appear as liabilities and assets, as the case may be, elsewhere in the Balance Sheet.

Note 3 Unallocated Monies Received

Any items shown as "Unallocated Monies Received" in the Balance Sheet represents amounts received for levies and/or items not yet billed and are recognised as revenue on the day the levy and/or invoice is billed.

Note 4 Income Tax

Assessable income such as interest, dividends and other investment income derived by the Owners Corporation, is taxable at the current company tax rate of 30%. Assessable income received by the Owners Corporation in respect of common property, other than as stated above, is taxable in the hands of individual owners as determined by Tax Ruling 2015/3.

Note 5 Depreciation

Common property, including assets fixed to it, is not beneficially owned by the owners corporation and is therefore not depreciable. Non-fixed assets that are purchased by the owners corporation are beneficially owned by it, but the purchase cost is expensed upon acquisition and not depreciated.

Note 6 Unearned Revenue

Any items shown as "Unearned Revenue" in the Balance Sheet represents money received for a service or product that has yet to be fulfilled. For example, pre-payment on a lease agreement. The revenue is a liability until it has been 'earned' by the owners corporation.

Note 7 GST Rounding

Any items shown as "GST Rounding" in the Income and Expenditure Statement represents the rounded amount not included in any amounts paid to the ATO when calculating GST transactions. This amount is net of GST.

Note 8 GST balance to collect

Any items shown as "GST balance to collect" in the Balance Sheet represents the GST portion of any invoices that are due and accrue in the next financial year. EG. Interim contributions issued in this reporting period that are for a levy period in the next financial year. The invoice (net of GST) is not an asset as the accrual period has not started. However the GST portion is considered both an asset and a liability as at the invoice date. The asset is reported as "GST balance to collect".

Note 9 Investment Account

Detail	Amount
OCPS435322B TD13	49.86
PS435322B-TD4	40000.00
PS435322B-TD3	40000.00
PS435322B-TD2	40000.00
PS435322B-TD1	40000.00
PS435322B-TD5	40000.00
PS435322B-TD13	40000.00
	\$ 240,049.86

Note 10 Accounts Receivable

These notes (other than notes added by the owners corporation manager) are the subject of copyright and are generated by the software program "Strataware", developed by Mystrata Pty Ltd (www.mystrata.com). These notes explain how the accounts were prepared, what specific policies/rulings apply and further clarify the figures in the financial statement. The form of accounts produced by Strataware has been settled by a prominent national firm of Chartered Accountants. The accuracy of data used to generate the accounts is the responsibility of the software user.



07.09.2022

Notes To Financial Statements

Owners Corporation for Plan No. PS435322B - No1

Waterways WATERWAYS VIC Vic 3195

ABN/ACN 96 234 209 650

Detail	Amount
Trylean East Reimbursement of Mystrata Fees	10782.20
	\$ 10,782.20

Note 11 Levies in Arrears - also see note 2

Detail	Amount
Lot: 47 Unit: 47	302.60
Lot: 55 Unit: 55	525.41
Lot: 57 Unit: 57	236.39
Lot: 74 Unit: 74	918.58
Lot: 105 Unit: 105	236.39
Lot: 135 Unit: 135	236.39
Lot: 152 Unit: 152	918.58
Lot: 159 Unit: 159	236.39
Lot: 183 Unit: 183	242.21
Lot: 185 Unit: 185	236.39
Lot: 226 Unit: 226	236.39
Lot: 234 Unit: 234	905.67
Lot: 246 Unit: 246	545.41
Lot: 267 Unit: 267	894.69
Lot: 289 Unit: 289	253.97
Lot: 396 Unit: 396	1116.51
Lot: 399 Unit: 399	214.74
Lot: 494 Unit: 494	236.39
Lot: 500 Unit: 500	236.39
Lot: 568 Unit: 568	236.39
Lot: 572 Unit: 572	525.41
Lot: 617 Unit: 617	236.39
Lot: 619 Unit: 619	236.39
Lot: 1062 Unit: 1062	236.39
Lot: 1068 Unit: 1068	214.74
Lot: 1075 Unit: 1075	236.39
Lot: 1077 Unit: 1077	973.08
Lot: 1084 Unit: 1084	918.58
Lot: 1089 Unit: 1089	918.58
Lot: 1105 Unit: 1105	236.39
Lot: 1135 Unit: 1135	354.58
Lot: 1137 Unit: 1137	749.31
	\$ 14,802.11

Note 12 Unallocated Monies Received - also see note 3

Detail	Amount
Lot: 24 Unit: 24	100.00
Lot: 115 Unit: 115	200.00
Lot: 149 Unit: 149	139.39
Lot: 150 Unit: 150	100.00
Lot: 163 Unit: 163	104.14
Lot: 508 Unit: 508	1.26
Lot: 537 Unit: 537	100.28
Lot: 570 Unit: 570	218.69
Lot: 579 Unit: 579	78.78
Lot: 1012 Unit: 1012	340.61
Lot: 1033 Unit: 1033	300.00
Lot: 1052 Unit: 1052	105.50
Lot: 1119 Unit: 1119	112.01
	\$ 1,900.66

Note 13 Levies in Advance - also see note 2



07.09.2022

Notes To Financial Statements

Owners Corporation for Plan No. PS435322B - No1

Waterways WATERWAYS VIC Vic 3195

ABN/ACN 96 234 209 650

Detail	Amount
Lot: 19 Unit: 19	100.00
Lot: 22 Unit: 22	100.00
Lot: 23 Unit: 23	100.00
Lot: 24 Unit: 24	100.00
Lot: 34 Unit: 34	100.00
Lot: 58 Unit: 58	100.00
Lot: 60 Unit: 60	100.00
Lot: 79 Unit: 79	2.75
Lot: 86 Unit: 86	100.00
Lot: 97 Unit: 97	100.00
Lot: 99 Unit: 99	100.00
Lot: 114 Unit: 114	100.00
Lot: 115 Unit: 115	100.00
Lot: 125 Unit: 125	100.00
Lot: 129 Unit: 129	100.00
Lot: 130 Unit: 130	100.00
Lot: 149 Unit: 149	100.00
Lot: 150 Unit: 150	100.00
Lot: 163 Unit: 163	100.00
Lot: 164 Unit: 164	100.00
Lot: 165 Unit: 165	100.00
Lot: 172 Unit: 172	100.00
Lot: 175 Unit: 175	100.00
Lot: 188 Unit: 188	100.00
Lot: 190 Unit: 190	100.00
Lot: 221 Unit: 221	8.88
Lot: 224 Unit: 224	100.00
Lot: 233 Unit: 233	100.00
Lot: 238 Unit: 238	100.00
Lot: 282 Unit: 282	100.00
Lot: 285 Unit: 285	100.00
Lot: 293 Unit: 293	100.00
Lot: 301 Unit: 301	100.00
Lot: 307 Unit: 307	100.00
Lot: 310 Unit: 310	100.00
Lot: 319 Unit: 319	2.75
Lot: 323 Unit: 323	100.00
Lot: 325 Unit: 325	100.00
Lot: 337 Unit: 337	100.00
Lot: 340 Unit: 340	100.00
Lot: 343 Unit: 343	100.00
Lot: 348 Unit: 348	100.00
Lot: 385 Unit: 385	100.00
Lot: 386 Unit: 386	100.00
Lot: 388 Unit: 388	100.00
Lot: 389 Unit: 389	100.00
Lot: 391 Unit: 391	100.00
Lot: 401 Unit: 401	100.00
Lot: 405 Unit: 405	100.00
Lot: 410 Unit: 410	100.00
Lot: 413 Unit: 413	100.00
Lot: 415 Unit: 415	100.00
Lot: 417 Unit: 417	100.00
Lot: 429 Unit: 429	100.00
Lot: 442 Unit: 442	100.00
Lot: 445 Unit: 445	100.00
Lot: 448 Unit: 448	100.00
Lot: 452 Unit: 452	100.00
Lot: 455 Unit: 455	100.00
Lot: 458 Unit: 458	100.00
Lot: 465 Unit: 465	100.00
Lot: 469 Unit: 469	50.00

Notes To Financial Statements



07.09.2022

Owners Corporation for Plan No. PS435322B - No1

Waterways WATERWAYS VIC Vic 3195

ABN/ACN 96 234 209 650

Detail	Amount
Lot: 486 Unit: 486	100.00
Lot: 490 Unit: 490	26.93
Lot: 491 Unit: 491	100.00
Lot: 497 Unit: 497	100.00
Lot: 499 Unit: 499	100.00
Lot: 503 Unit: 503	100.00
Lot: 505 Unit: 505	100.00
Lot: 507 Unit: 507	100.00
Lot: 508 Unit: 508	100.00
Lot: 509 Unit: 509	14.65
Lot: 513 Unit: 513	100.00
Lot: 516 Unit: 516	100.00
Lot: 526 Unit: 526	100.00
Lot: 532 Unit: 532	100.00
Lot: 537 Unit: 537	100.00
Lot: 561 Unit: 561	100.00
Lot: 562 Unit: 562	100.00
Lot: 563 Unit: 563	100.00
Lot: 565 Unit: 565	100.00
Lot: 570 Unit: 570	100.00
Lot: 571 Unit: 571	100.00
Lot: 579 Unit: 579	100.00
Lot: 584 Unit: 584	100.00
Lot: 593 Unit: 593	100.00
Lot: 598 Unit: 598	100.00
Lot: 605 Unit: 605	100.00
Lot: 608 Unit: 608	100.00
Lot: 613 Unit: 613	100.00
Lot: 615 Unit: 615	100.00
Lot: 1004 Unit: 1004	100.00
Lot: 1012 Unit: 1012	100.00
Lot: 1022 Unit: 1022	100.00
Lot: 1023 Unit: 1023	100.00
Lot: 1033 Unit: 1033	100.00
Lot: 1034 Unit: 1034	100.00
Lot: 1047 Unit: 1047	100.00
Lot: 1051 Unit: 1051	100.00
Lot: 1052 Unit: 1052	100.00
Lot: 1053 Unit: 1053	30.00
Lot: 1058 Unit: 1058	100.00
Lot: 1059 Unit: 1059	100.00
Lot: 1079 Unit: 1079	80.98
Lot: 1083 Unit: 1083	100.00
Lot: 1119 Unit: 1119	100.00
Lot: 1121 Unit: 1121	100.00
Lot: 1129 Unit: 1129	100.00
Lot: 1139 Unit: 1139	100.00
	\$ 10,316.94

Note 14 Accounts Payable Liability

Detail	Amount
Ace Body Corporate Consulting Afterhour Meetings	484.00
Ace Body Corporate Consulting Afterhours Committee Meetings x 10	4840.00
Ace Body Corporate Consulting AGM	1694.00
Ace Body Corporate Consulting BAS lodgement for April - Jun 2022	200.00
Ace Body Corporate Consulting Committee Ballots x 6	726.00
Ace Body Corporate Consulting Dispute Resolution	4162.40
Berrigan Doube Lawyers Pty Ltd Advice regarding OC rules	1540.00
CONCERNS R" GROWING" Lawn mowing of vacant blocks 27/05/22	510.00
Trylean East BAS lodgement for Jan - Mar 2022	200.00
	\$ 14,356.40

Proposed Annual Budget

Administrative Fund

Owners Corporation for Plan No. PS435322B - No1

1 July 2022 to 30 June 2023

Waterways WATERWAYS VIC Vic 3195

Expenditure	Budget 07/22 - 06/23
Accountant	1,800.00
Accountant - BAS/IAS fees	1,100.00
Administrative Fees & Charges - Mystrata Software Licence	10,782.20
Administrative Fees & Charges - NearMap Licence	1,250.00
Administrative Fees & Charges - Survey Monkey	384.00
Administrative Fees & Charges - Webhost Website	179.40
Committee Expenses	500.00
Community Manager - Newsletter	3,000.00
Consultant - Compliance Manager	5,000.00
Debt Collection Service	5,000.00
Facilities Manager - Garden & Grounds Extras	3,900.00
Insurance Premiums	4,800.00
Legal Services	10,000.00
Meeting Rooms - StrataVote	2,000.00
Shared Facilities - CCTV	130,000.00
Shared Facilities - Defibrillator - Battery replacement	250.00
Shared Facilities - Defibrillator - Pad replacement	392.00
Strata Manager	15,834.00
Strata Manager - additional services	5,000.00
Strata Manager - disbursements	16,588.00
Total Administrative Fund Expenditure	217,759.60

Additional Revenue	Budget 07/22 - 06/23
Contributions - Facilities garden & grounds	3,900.00
Non-Mutual Revenue - administrative charges	1,800.00
Non-Mutual Revenue - bank interest	5,000.00
Total Administrative Fund Additional Revenue	10,700.00

Proposed Annual Budget (continued)

Administrative Fund

Owners Corporation for Plan No. PS435322B - No1

1 July 2022 to 30 June 2023

Waterways WATERWAYS VIC Vic 3195

Administrative Fund Summary		Budget
		07/22 - 06/23
Opening balance (Surplus)	372,504.58	
Expenditure during budget period	217,759.60	
	(154,744.98)	
<i>Less</i> Additional revenue during budget period	10,700.00	
<i>Plus</i> Planned surplus at end of budget period	234,081.34	
<i>Plus</i> Allowance for GST on levies	6,863.64	Per Ent
Budgeted levies to be raised \$	75,500.00	10.0000
Total Lot Liability	7550	
*May include insurance contributions		

Model rules for an owners corporation

(applicable to Waterways)

1. Health, safety and security

1.1 Health, safety and security of lot owners, occupiers of lots and others

A lot owner or occupier must not use the lot, or permit it to be used, so as to cause a hazard to the health, safety and security of an owner, occupier, or user of another lot.

1.2 Storage of flammable liquids and other dangerous substances and materials

(1) Except with the approval in writing of the owners corporation, an owner or occupier of a lot must not use or store on the lot ~~or~~ on the common property any flammable chemical, liquid or gas or other flammable material.

(2) This rule does not apply to—

(a) chemicals, liquids, gases or other material used or intended to be used for domestic purposes; or

(b) any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

1.3 Waste disposal

An owner or occupier must ensure that the disposal of garbage or waste does not adversely affect the health, hygiene or comfort of the occupiers or users of other lots.

~~1.4 Smoke penetration~~

~~A lot owner or occupier in a multi-level development must ensure that smoke caused by the smoking of tobacco or any other substance by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.~~

1.5 Fire safety information

A lot owner must ensure that any occupier of the lot owner's lot is provided with a copy of fire safety advice and any emergency preparedness plan that exists in relation to the lot prior to the occupier commencing occupation of the lot.

2. Committees and sub-committees

2.1 Functions, powers and reporting of committees and sub-committees

A committee may appoint members to a sub committee without reference to the owners corporation.

3. Management and administration

3.1 Metering of services and apportionment of costs of services

- (1) The owners corporation must not seek payment or reimbursement for a cost or charge from a lot owner or occupier that is more than the amount that the supplier would have charged the lot owner or occupier for the same goods or services.
- (2) If a supplier has issued an account to the owners corporation, the owners corporation cannot recover from the lot owner or occupier an amount which includes any amount that is able to be claimed as a concession or rebate by or on behalf of the lot owner or occupier from the relevant supplier.
- (3) Subrule (2) does not apply if the concession or rebate—
 - (a) must be claimed by the lot owner or occupier and the owners corporation has given the lot owner or occupier an opportunity to claim it and the lot owner or occupier has not done so by the payment date set by the relevant supplier; or
 - (b) is paid directly to the lot owner or occupier as a refund.

~~4. Use of common property~~

~~4.1 Use of common property~~

- ~~(1) An owner or occupier of a lot must not obstruct the lawful use and enjoyment of the common property by any other person entitled to use the common property.~~
- ~~(2) An owner or occupier of a lot must not, without the written approval of the owners corporation, use for the owner or occupier's own purposes as a garden any portion of the common property.~~
- ~~(3) An approval under subrule (2) may state a period for which the approval is granted.~~
- ~~(4) If the owners corporation has resolved that an animal is a danger or is causing a nuisance to the common property, it must give reasonable notice of this resolution to the owner or occupier who is keeping the animal.~~
- ~~(5) An owner or occupier of a lot who is keeping an animal that is the subject of a notice under subrule (4) must remove that animal.~~
- ~~(6) Subrules (4) and (5) do not apply to an animal that assists a person with an impairment or disability.~~
- ~~(7) The owners corporation may impose reasonable conditions on a lot owner's right or an occupier's right to access or use common property to protect the quiet enjoyment, safety and security of other lot owners, including but not limited to imposing operating hours on facilities such as gymnasiums and swimming pools.~~

~~4.2 Vehicles and parking on common property~~

~~An owner or occupier of a lot must not, unless in the case of an emergency, park or leave a motor vehicle or other vehicle or permit a motor vehicle or other vehicle—~~

- ~~— (a) to be parked or left in parking spaces situated on common property and allocated for other lots; or~~
- ~~— (b) on the common property so as to obstruct a driveway, pathway, entrance or exit to a lot; or~~
- ~~— (c) in any place other than a parking area situated on common property specified for that purpose by the owners corporation.~~

~~4.3 Damage to common property~~

~~(1) — An owner or occupier of a lot must not damage or alter the common property without the written approval of the owners corporation.~~

~~(2) — An owner or occupier of a lot must not damage or alter a structure that forms part of the common property without the written approval of the owners corporation.~~

~~(3) — An approval under subrule (1) or (2) may state a period for which the approval is granted, and may specify the works and conditions to which the approval is subject.~~

~~(4) — An owner or person authorised by an owner may install a locking or safety device to protect the lot against intruders, or a screen or barrier to prevent entry of animals or insects, if the device, screen or barrier is soundly built and is consistent with the colour, style and materials of the building.~~

~~(5) — The owner or person referred to in subrule (4) must keep any device, screen or barrier installed in good order and repair.~~

5. Lots

5.1 Change of use of lots

~~An owner or occupier of a lot must give written notification to the owners corporation if the owner or occupier changes the existing use of the lot in a way that will affect the insurance premiums for the owners corporation.~~

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.~~

5.2 External appearance of lots

(1) An owner or occupier of a lot must obtain the written approval of the owners corporation before making any changes to the external appearance of their lot.

(2) An owners corporation cannot unreasonably withhold approval, but may give approval subject to reasonable conditions to protect quiet enjoyment of other lot owners, structural integrity or the value of other lots ~~and/or common property.~~

(3) The owners corporation cannot unreasonably prohibit the installation of sustainability items on the exterior of the lot, including by prohibiting the installation of a sustainability item only on aesthetic grounds.

(4) The owners corporation may require that the location of a sustainability item, or the works involved in installing a sustainability item, must not unreasonably disrupt the quiet enjoyment of other lot owners or occupiers or impede reasonable access to, or the use of, any other lot ~~or the common property.~~

(5) The owners corporation may impose reasonable conditions on the installation of a sustainability item on the exterior of the lot related to the colour, mounting and location of the sustainability item provided that these conditions do not increase the cost of installing the sustainability item or reduce its impact as a sustainability item.

5.3 Requiring notice to the owners corporation of renovations to lots

~~An owner or occupier of a lot must notify the owners corporation when undertaking any renovations or other works that may affect the common property and/or other lot owners' or occupiers' enjoyment of the common property.~~

6. Behaviour of persons

6.1 Behaviour of owners, occupiers and invitees on common property

An owner or occupier of a lot must take all reasonable steps to ensure that guests of the owner or occupier do not behave in a manner likely to unreasonably interfere with the peaceful enjoyment of any other person entitled to use the common property.

6.2 Noise and other nuisance control

(1) An owner or occupier of a lot, or a guest of an owner or occupier, must not unreasonably create any noise likely to interfere with the peaceful enjoyment of any other person entitled to use the common property.

(2) Subrule (1) does not apply to the making of a noise if the owners corporation has given written permission for the noise to be made.

7. Dispute resolution

(1) The grievance procedure set out in this rule applies to disputes involving a lot owner, manager, or an occupier or the owners corporation.

(2) The party making the complaint must prepare a written statement in the approved form.

(3) If there is a grievance committee of the owners corporation, it must be notified of the dispute by the complainant.

(4) If there is no grievance committee, the owners corporation must be notified of any dispute by the complainant, regardless of whether the owners corporation is an immediate party to the dispute.

(5) The parties to the dispute must meet and discuss the matter in dispute, along with either the grievance committee or the owners corporation, within 14 working days after the dispute comes to the attention of all the parties.

(5A) A meeting under subrule (5) may be held in person or by teleconferencing, including by videoconference.

(6) A party to the dispute may appoint a person to act or appear on the party's behalf at the meeting.

(6A) Subject to subrule (6B), the grievance committee may elect to obtain expert evidence to assist with the resolution of the dispute.

(6B) The grievance committee may obtain expert evidence to assist with the resolution of a dispute if the owners corporation or the parties to the dispute agree in writing to pay for the cost of obtaining that expert evidence.

(7) If the dispute is not resolved, the grievance committee or owners corporation must notify each party of the party's right to take further action under Part 10 of the *Owners Corporations Act 2006*.

(8) This process is separate from and does not limit any further action under Part 10 of the *Owners Corporations Act 2006*.

Standing Orders for Procedures at Annual General Meeting

Background

Every year at the Annual General Meeting the owners' corporation has a number of statutory resolutions to resolve. In order to streamline the annual meeting, it is proposed that a set of standing orders be created and adopted and used as the proceeding for every annual meeting.

Standing Order 1 – Election of Meeting Chair

That the Chairperson of the Owners Corporation chairs the meeting, unless they are absent and then an election will take place. If there is a reason for the Chairperson of the OC to not chair the meeting this shall be declared by the chairperson or any member present and an election of chair for the meeting will take place.

Standing Order 2 – Voting at the meeting

That if the meeting is virtual, the voting will be conducted using the software. If the meeting is hybrid the voting will be conducted using the software if possible. If the meeting is face to face (only) and the software is not available to be used, Voting Cards will be issued to voters who are financial and hold a valid proxy (if applicable). Voting will be by show of cards. If a lot owner (or a proxy) receives a voting card and they know that they are not eligible to vote, they must return the card.

Standing Order 3 – Counting of Votes

The counting of the votes will be determined by counting the number of votes for, against or abstaining (not voting). The Chairperson will nominate the order that the count will take place and then mathematically determine the outcome of the larger preference or as the software determines.

Standing Order 4 – Disputed Validity to Vote

That if a member disputes that they are ineligible to vote, the Chairperson will determine if the vote is valid or not allowing the meeting to proceed. The Secretary will record their intended vote and to then confirm their validity to vote by reviewing records after the meeting. If the person or persons vote would have changed the outcome of any counted vote and it is later found that they should have been found eligible to vote, the resolution shall be considered unresolved and if the matter requires resolution at a General Meeting the Secretary shall call a Special General Meeting to again put the resolution. If the matter is within the delegated responsibility of the Committee, the Committee may resolve to handle the matter.

Standing Order 5 – Proxies

That if more than one name appears on your title and not all owners will be present then you will need a proxy from each of the other owners, who are not attending giving you the permission to speak and vote on their behalf or you may declare on your proxy that you represent all named persons on the title. A corporation can only vote by providing a proxy to its nominee.

Standing Order 6 – Committee Nomination

That a lot owner (or their proxy) nominating for a Committee position will provide a short written biography with their nomination. If the nomination is received before the closing time for written nominations this will be typed and copied for attendees at the AGM. If nomination is received after the closing of mail nominations, the nominee may provide a written statement which may be read once aloud by the chair of the meeting

Standing Order 7 – Committee Positions

That the owners corporation comprise a committee of 7 (seven) members who are financial lot owners or hold proxies on behalf of financial lot owners. If there are less than 7 nominations at the

end of the General Meeting the committee shall consist of the number of nominees as long as this is greater than 3.

Standing Order 8 – Committee Election

If the number of nominations equals the number of positions, the nominees will be automatically elected. If the number of nominations is greater than the number of vacant positions an election will be held.

The election of committee members is by written ballot and that the ballot paper will show all the nominations received by the Secretary, plus any nominations received from the floor at the meeting. If the meeting is virtual, the ballot will be conducted using the software. If the meeting is hybrid the ballot will be conducted using the software, If the meeting is face to face (only) and the software is not available to be used a valid written vote will be given to the returning officer, clearly identifying not more than 7 persons being voted for. This may be by deleting names not voted for or by placing a mark against those being voted for. A person may use less than 7 votes.

Standing Order 9 – Committee Term

That the elected committee and its' office bearers will hold office until a new committee is elected (including any interim period).

Standing Order 10 – Minutes of the Meeting

That the minutes from each Annual General Meeting will be circulated within 28 days of the meeting being held and posted on MyCommunity.