

# Waterways Owners Corporation – Committee



## Committee Minutes

**Date:** Wednesday 16<sup>th</sup> August 2017

**Time:** 7.30 PM

**Place:** Ace Body Corporate Offices, 222 Beach Rd Mordialloc 3195

### 1. Procedural Meeting Commencement

#### 1.1. Attendance

Present: David Flew, Tim De La Zilwa, Mike Dewar, Rob Cocks, Clive Jelley, Tuan Do

Apologies: Craig Whatman

In Attendance: Julie McLean representing Ace Body Corporate

#### 1.2. Appointment of Chairperson and minute taker of the meeting.

Chairperson: David Flew

Minutes: Julie McLean

#### 1.3. Entitlement to Vote & Quorum Declaration

As there were 6 out of 7 present at the commencement of the meeting a quorum was declared. All members present were entitled to vote.

### 2. Acknowledgements – nil

### 3. Standing orders (Committee) including Delegations (V6) (Appendix 1)

Resolved: That the Standing Orders (v6) is adopted by all committee members as the proceedings of the Committee.

Moved: Tim De La Zilwa	Second: Tuan Do	Outcome: Passed
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### 4. Confirmation of Minutes from Previous Meetings

*Resolved that the tabled and distributed minutes of the meeting held Wednesday 31 May 2017 were a true and correct record of that meeting.*

Moved: Tim De La Zilwa	Second: Tuan Do	Outcome: Passed
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### 5. Business arising from previous minutes

Minutes	Action item number	Item	Who	Due	Status
May 2017	8 Correspondence	Response for correspondence received	All		closed
May 2017	11 Insurance	Sign declaration & Renew insurance	Ace		closed
May 2017	12.1 Cok transition	Write to CoK about reimbursement	Ace & Craig		closed
May 2017	12.2 Communication	Set up new email address for Tim	Ace		closed
May 2017	12.3 Legal standing	Legal advice BDL on legal standing	Craig		closed
May 2017	12.5 AGM issues	Speak with auditor 2016 audited financials	Mike		closed
May 2017	12.6 Debt recovery	New Debt recovery process	Ace		closed

### 6. Confirmation of Committee Ballots – Nil

### 7. Review of Financial Statements

*Resolved that the Committee believes that the Owners Corporation will be able to pay its debts when and as they fall due.*

Chairperson:

Date

# DRAFT

Moved: Tim De La Zilwa	Second: Tuan Do	Outcome: Passed
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## 8. Legal Standing

### 8.1. Services.

The OC has received advice that without a Special Resolution, OC funds cannot be used to provide services. This covers irrigation, water features, decorative lighting and lake fountains. Compliance and other OC functions must continue.

**Resolved:** *That no funds are to be spent on such items until further notice*

Moved: Tuan Do	Second: Tim De La Zilwa	Outcome: Passed
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The survey of owners expressed support for such services.

The Manager is to prepare for a ballot-based special resolution, so as to provide a basis on which the OC could continue to fund such services. The wording of resolution/s is to be developed in conjunction with legal advisors. The proposal is to be referred to the Committee before proceeding.

### 8.2. Community Events

The OC has received advice that OC funds cannot be used to provide Community events such as the Xmas function, Xmas fireworks, and NYE fireworks. The advice is that these are not “services” and hence cannot be funded.

**Resolved:** *That no OC funds are to be spent on the Xmas event, Xmas fireworks, or NYE fireworks.*

Moved: Tuan Do	Second: Tim De La Zilwa	Outcome: Passed
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The Chairperson is to advise the convener of the Community sub-committee of this at the earliest opportunity. The Committee encourages the Community sub-committee to conduct the events if other sources of funding, including sponsorship, can be found.

### 8.3. Fee Collection

The OC has received advice that it cannot levy owners for provision of the above services without a Special Resolution.

When authorized, Services must be funded by the OC, and recovered after they have been provided.

The budget included approx. \$110,000 which we have no authority to collect by way of levy. This equates to around \$145 per lot entitlement – around the same as the proposed 3rd quarter levy of \$150.

**Resolved:** *That that the proposed 3rd quarter levy not proceed*

Moved: Tuan Do	Second: Tim De La Zilwa	Outcome: Passed
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### 8.4. Letter to Owners

Following termination of the Maintenance Agreement and the AGM, some owners expressed concern about the ability of the OC to fund the remaining services. The Chairperson will write a letter to owners advising them of the impact of the legal standing.

## 9. CoK Discussions

Still waiting on finalisation of report and reimbursement from Kingston

Chairperson:

Date:

# DRAFT

## 10. Review of Management Contract

**Resolved** that the revised management fee proposal be accepted effective from 1<sup>st</sup> July 2017.

Moved: David Flew	Second: Tim De La Zilwa	Outcome: Passed
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## 11. Reports

- 11.1. Community – Nil
- 11.2. Compliance – as tabled

## 12. Policies

### 12.1. Communication Policy

**Resolved:** That Communications Policy (v1) is adopted by the Committee and the Policy to be uploaded to MyCommunity

### 12.2. Debt Recovery

**Resolved:** That the owners corporation recovers all debts owed to the owners corporation at the Magistrates Court.

## 13. General Business

### 13.1. 2016 Financial Statement

The OC Auditor has affirmed that an acceptable approach would be to restate prior year figures, with the relevant accounting disclosure notes, in the FY2017 Annual Financial Statements.

**Resolved:** In the FY2017 Annual Financial Statements, the FY2016 figures are to be restated, with the relevant accompanying disclosure note, to reflect the outstanding funds receivable from City of Kingston as at 31/12/2016, for costs incurred and paid for by the Waterways OC on their behalf.

Moved: Mike Dewar	Second: Tim De La Zilwa	Outcome: Passed
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Manager to post details on MyCommunity.

### 13.2. Street Trees

Council has advised that they consider any damage caused by street trees is the responsibility of Waterways OC to manage. The Chairperson will provide a brief for BDL to answer Council's claim.

14. Meeting Closed: 10.00 pm

15. Next Meeting: Wednesday 27<sup>th</sup> September, Wednesday 15<sup>th</sup> November 2017

## Action Items

Minutes	Action item number	Item	Who	Due	Status
May 2017	12.4 Irrigation	Irrigation system appraisal	David & Tuan		open
August 2017	8.1 Legal standing	Prepare for a ballot-based special resolution. <ul style="list-style-type: none"><li>• Engage BDL to draft</li><li>• Circulate to committee</li><li>• Verify numbers of email/post</li></ul>	ACE		

Chairperson:

Date:

# DRAFT

August 2017	8.2 Community event	Advise Community Sub Committee	David		
August 2017	8.3 Fee Collection	Do not raise 3 <sup>rd</sup> quarter fee	ACE		
August 2017	8.4 Letter to Owners	Draft letter advising owners of the change and impact. Circulate to committee	David		
August 2017	10 CoA	1 <sup>st</sup> July management fee approved for payment at new rate	ACE		
August 2017	12.1 Policy	Upload Communication Policy to MyCommunity	ACE		
August 2017	12.2 Policy	Advise BDL of change of Debt recovery policy	ACE		
August 2017	13.1 2016 Financial statement	Publish update on MyCommunity	ACE		
August 2017	13.2 street trees	Write a brief for BDL to provide a response to Councils claim	David		

Chairperson:

Date: