



NOTICE OF SPECIAL GENERAL MEETING

ARDOCH

226 DANDENONG ROAD, ST KILDA EAST

OWNERS CORPORATION
PLAN OF STRATA 341300K

NOTICE IS GIVEN of a **Special General Meeting**

Held at The Tivoli Club, Thursday 16th December at 6.00pm
A zoom link will be available for attendance by teleconference or video:

<https://us06web.zoom.us/j/89109039888?pwd=Q21kMXRraUpNelFFN3JiOTczVmZpQT09>

Meeting ID: 891 0903 9888
Passcode: 703964

- PROXIES** A lot owner may appoint a proxy to represent them at the meeting. A proxy form is attached to this notice.
- ARREARS** A lot owner (or their proxy) is not entitled to vote or stand for election to the Committee if fees or other amounts owing to the Owners Corporation are in arrears (s.94 and s.103(7) *Owners Corporation Act 2006*)
Except in the case of a payment in cash, an amount is only taken to be paid in full if it is paid not less than four business days before the vote (s.94(3) *Owners Corporation Act 2006*).
- APOLOGIES** May be emailed to benh@selectsc.com.au, or posted to 711 High Street Kew East Vic 3102.

AGENDA

1. Attendance, Proxies and Apologies

2. Quorum

The quorum of an Owners Corporation is 50% of lot entitlement. If a quorum is not present, the meeting will continue but all decisions are interim decisions and do not become binding until 29 days after the meeting (subject to a further meeting not being called by members representing 25% of lot entitlement).

3. Chairperson

The Chairperson of the meeting will be nominated by the members present.

4. Minutes

The decisions numbered by paragraph 9 (Long Term Maintenance Plan), paragraph 10 (Contributions – Administrative Fund and Maintenance Fund), and paragraph 13 (Delegation of Powers to the Committee) of the Annual General Meeting held 4 November 2021 (2021 AGM) have been rejected by petition of at least 25% of members.

Proposed Resolution: *That the resolutions by paragraphs numbered paragraph 9 (Long Term Maintenance Plan), paragraph 10 (Contributions – Administrative Fund and Maintenance Fund), and paragraph 13 (Delegation of Powers to the Committee) as recorded in the minutes of the Annual General Meeting held 4 November 2021 **be revoked.***

5. Long Term Maintenance Plan

The Long Term Maintenance Plan (LTMP) by Rider Levett Bucknall dated 9 August 2021 was not provided to owners for review before the 2021 AGM. An LTMP Briefing Paper was provided but proposed inappropriate and unacceptable works which were not adequately disclosed, explained or justified. Review of new information shows that many key works are misconceived, inappropriate or not necessary. It is proposed that the LTMP profile should revert to the previously approved 2019 LTMP. In the meantime, the current statutory and functional plan which does not expire until 2023 can be maintained. Furthermore, the power to approve a funding profile of such importance to the on-going management of the owners corporation should be protected to reflect the practice of submitting the LTMP to all members for formal approval (see paragraph 9).

Proposed Resolution: *That a sub-committee be established to determine an appropriate program and process to prepare an updated LTMP to be completed before 30 June 2023.*

6. Special Levy for Works to 3 Ardoch Avenue

The building at 3 Ardoch Avenue requires significant repairs as soon as possible. This was identified in the LTMP, but it is not appropriate to include such special one-off projects in a Long Term Maintenance Plan. Such works should be funded by a **special levy** on all members as is common owners corporation practice and as has been the past practice at Ardoch. This will substantially reduce the liability of members and will be levied, and will be available in full more quickly to allow the works to proceed.

Proposed Resolution: That necessary repair works to 3 Ardoch Avenue be funded by a special levy on all members and the amount be determined and implemented as soon as sufficient planned, engineers and costed information is available.

7. Contributions – Administration Fund and Maintenance Fund

At the 2021 AGM a minority of owners adopted the committee’s proposed budget for 2021-22, setting fees for the current financial year which cause substantial increases due to a flawed Long Term Maintenance Plan. The committee contributions recommended and subject to the interim resolution should be adjusted to match the resolution in paragraph 5 above.

Budget Summary as below:

BUDGET 2022	Current	AGM	Proposed
Admin	\$396,871	\$437,289	\$437,289
Maint	\$109,915	\$207,542	\$113,211
TOTAL	\$506,786	\$644,831	\$550,500

Proposed Resolution: That approval of the maintenance fund component of the Proposed Contributions as tabled at the 2021 AGM **be amended** to the maintenance fund contributions according to the continuing and previously approved LTMP (2019).

8. Committee and Secretary Appointments

The committee elected at the 2021 AGM fills 10 of the 12 positions then allowable for the committee of management. Provisions must be put in place to improve overall transparency and accountability of the committee. Traditionally, the owners corporation manager has been appointed as the secretary of the owners corporation and that is consistent with their role. That independence ensures transparency and better accountability. On that basis, it is proposed that the manager be appointed as secretary of the owners corporation.

Proposed Resolution: By this resolution, the Owners Corporation hereby appoints the Owners Corporations Manager as Secretary of the Owners Corporation.

9. Delegation of Powers to the Committee

To enable the Committee to make decisions on behalf of the Owners Corporation, members must delegate powers or functions to the committee. To ensure on-going transparency and accountability it is recommended that all the powers or functions be delegated to the committee except those that cannot be delegated in accordance with Section 11 of the *Owners Corporation ACT 2006*, and other specific items (d), (e) and (f) in this proposed resolution.

Proposed Resolution: By this resolution, the Owners Corporation hereby delegates all its powers and functions other than:

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

- c) the power to raise a special levy*
- d) the power to remove or appoint an owner's corporation manager*
- e) the power to remove or appoint the Secretary of the Owners Corporation*
- f) the power to approve or modify a Long Term Maintenance Plan*
- to the committee and that a resolution of the committee made in respect of any other matter has the effect of a resolution of the Owners Corporation.

10. General Business

To consider any general business that may be lawfully brought forward.

Schedule 1, Regulation 6, Owners Corporations
Regulations 2007

Under regulation 6 of the Owners Corporations Regulations 2007, I/We

Name(s) of Lot Owners

Of (address)

Being the owner(s) of lot(s)

Lot number(s)

Authorise

Name of Person *NOTE: "Chairperson", "Manager" etc is not accepted.*

Of (address)

As my/our proxy:

A To attend, speak and vote in person 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 in person on my/our behalf at the annual or special general meeting of the owners corporation to be held on

Thursday 16th December

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)

B To represent me/us on the committee of the Owners Corporation.

Signed by (member(s) giving proxy)

Print name(s)

Date

*Proxy may be lodged at the meeting or must be returned at least 24 hours before the meeting to
Select Strata, 711 High Street, Kew East Vic 3102*

Information about Proxies

This page 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.