



December 2021

## ARDOCH SPECIAL GENERAL MEETING

You will have received from Select Strata Communities, Ardoch's OC Manager, an invitation to a Special General Meeting to be held at 6pm on Thursday 16 December at the German Tivoli Club.

**We urge you to attend this meeting - or to fill in a proxy form if you can't make it.**

A lot of misinformation is being circulated by the petitioners who have called for this meeting, particularly to owners living at Ardoch.

For example:

**1. That the committee intends to have concrete paths built around every older-style building** (see mock-up top right).

THE FACTS: Our independent structural engineers *have* recommended ways of ensuring water is kept away from the building footings - which might be a concrete skirt but might be another solution - but the end result would look more like the "after" mock-up (bottom right), with renewed landscaping.

**2. That the recommended increase in OC contributions could somehow be lessened by raising a levy instead of increasing the fees.**

THE FACTS: Major repair and preventative maintenance work is required and cannot be ignored. It has to be paid for one way or another.

The committee considered 3 ways of raising the necessary funds: (i) getting a bank loan, (ii) a levy, (iii) an increase in contributions.

-- Experience of other OCs using the bank loan option suggests it becomes very difficult for the OC to recover contributions from owners.

-- Levies place the burden of paying on a single generation of owners at a single point of time.



3 Ardoch: supposed "after" look



3 Ardoch: actual "after" look

# ARDOCH SPECIAL GENERAL MEETING

-- On balance, increasing the fees is fairer: it spreads the costs over a number of years and is a known quantity, making household budgeting easier and more predictable.

**A levy to repair 3 Ardoch would cost at least \$75,000.**

And there is no guarantee there would not be *more* levies in the near future as further major repairs and preventative maintenance works are done.

For example, both the older-style and newer-style buildings will need major repair works to improve sub-floor ventilation, replace surrounding broken underground stormwater drains, and repair failing (or non-existent) waterproofing membranes in stairways.

### **3. That the committee intends to remove all large trees on the estate.**

THE FACTS: The idea that committee members, who are all owners and residents themselves (bar one off-site owner), would even *consider* removing *all* trees at Ardoch is simply fanciful.

In any case, Heritage Victoria would not allow it.

### **4. That the structural problem with 3 Ardoch is "unique".**

THE FACTS: a similar problem occurred over recent years at 8 Ardoch. Tree roots and soil moisture caused the Ardoch Ave roundabout to subside with consequent major cracking in 8 Ardoch. This was repaired 2 years ago at a cost of over \$70,000.

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The latest misinformation, circulated in the document "Ardoch - Further Information" asks you to consider where in Melbourne are there similar works as those recommended by our **independent** engineers.

The answer is opposite. This is a photo from Willsmere in Kew taken in July 2021. It shows spoon-drains surrounding older-style buildings, no shrubbery close to the buildings and large trees a significant distance away.

To be clear: the committee would not recommend following Willsmere's example!

When 3 Ardoch - or any future building - is repaired, we would take advice from Ardoch's landscaping specialists, John Patrick, to re-landscape the surrounding areas.

As always, the committee takes **independent** expert advice from qualified specialists.

## **Consider these questions**

1. Why did the people who raised concerns at the AGM about the gardens decline to meet with a small group from the committee to discuss their concerns?

2. Would you want Ardoch to lose the services of Luke's Lawns and Landscapes, who not only keep our gardens and grounds



*Willsmere treatment, showing spoon-drain (perhaps with root barrier under), and trees set well back.*

looking so beautiful but who manage and supervise the many contractors who come on site ?

3. Where have you seen similar documents circulated in recent years among the Ardoch community, raising fear and alarm about engineering matters and financial management?

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In 2019, the last major dispute at Ardoch was settled by VCAT in favour of the OC committee. VCAT found the case had been conducted in a "vexatious manner" and was "an abuse of process". The last thing we need is a repeat performance!

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Please come to the meeting to hear THE FACTS, not misinformation and subjective opinion.

If you cannot come, please fill out the proxy form in favour of one of the committee members, so your voice is not lost.

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**For further information about the Special General Meeting or the background to this matter, you can call Ardoch's OC Manager Ben Harewood on (03) 9862 3792.**

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 16<sup>th</sup> 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*

**Please consider coming to the Special General Meeting to hear THE FACTS, not the misinformation that has been circulating.**

If you cannot make it to the meeting, please do fill in the proxy form in favour of one of the committee members listed below.

These committee members have worked constructively over the past few years, putting in hours of volunteer time on behalf of all owners at Ardoch.

After coming through nearly 4 years of the previous dispute - which was settled by VCAT in favour of the OC committee - surely the last thing we need is another prolonged and costly dispute.

**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.

**Ardoch Committee members**

Alan Baskin, 2/8 Pilley St

Peter Black, 38 Vincent St, Sandringham

Rob Davis, 3/7 Ardoch Ave

Meredith Doig, 1/6 Pilley St

Michelle Guiney, 2/4 Pilley St

Sarah Perry, 3/6 Pilley St

Judelle Scheer, 3/6 Ardoch Ave

**Sign and send your proxy form to:**

- Select Strata Communities, 711 High St, Kew East 3102, or

- email it to Ardoch's OC Manager, Ben Harewood, at [BenH@selectsc.com.au](mailto:BenH@selectsc.com.au)