



**Owners Corporation 743082B  
12 Marine Parade St Kilda VIC 3182**

Minutes of the Annual General Meeting of Owners Corporation No. 1 held as an online meeting via Zoom on 1<sup>st</sup>  
March 2022 at 6:00pm

**1. Registration of Attendance**

**1.1 Lot Owners Present**

<b>Name</b>	<b>Lot</b>	
Elizabeth Langdon	GD	
Ty Brierley	GF	
Duke Fonias	1C	
Andrew Evans	1H	
Don Shaw	2G	
Russell Jessop	3A	
Ana Mikulic	3E	
Lindsay King	4A	
Mark Brickles	4G, 10F	
Ebble and Clara Van Der Kooi	5C	
Di Kilsby	5D	
Craig Nobbs	6A	(arrived 6.41pm)
Roger Hackworth	6F	
Don Townsend	6G	
Noel Buckley	7G	
Margaret Harvey	8C	
Michael Cass	9E	(arrived 7.04pm)
Sym and Susan Kohn	9H	
Colin Trewern	10A	
Jennifer Hackworth	11A	
Margaret Wilson	11G	
Ann Stock	12A	
Nancy Edwards	12H	

**1.2 Apologies**

None



### 1.3 Proxies

<b>Lot Owner</b>	<b>Lot/s</b>		<b>Proxy</b>
John Van Der Laan	2A	in favour of	Russell Jessop
Patricia Collins	9F	in favour of	Sym Kohn
Heath Taylor	6C	in favour of	Tal Sahar (as Chair)
Anna Koren	5H	in favour of	Peter Koren
Angela Leighton	5A, 5B	in favour of	Di Kilsby

### 1.4 Quorum

#### Owners Corporation 1 – Whole Building

Given 29 out of 101 lots (28.7%) were present either in person or by way of proxy, a quorum **was not** achieved with all decisions being interim decisions.

#### **Owners Corporation Act 2006 – Interim Decisions**

##### Section 78. Can a general meeting proceed even without a quorum?

(1) Subject to sub-section (4), if there is not a quorum, the general meeting may proceed but all resolutions are interim resolutions.

(2) Notice of all interim resolutions and the minutes of the meeting at which the interim resolution is made must be forwarded to all lot owners within 14 days of the meeting.

(3) The minutes must be accompanied by a notice setting out the effect of sub-section (4).

(4) Interim resolutions become resolutions of the owners corporation:

Subject to paragraphs (b) and (c), 29 days from the date of the interim resolution; or

If notice of a special general meeting is given within that 29 day period and the meeting is held within 28 days after the notice is given, only if confirmed at that meeting; or

If notice of a special general meeting is given within that 29 day period and the meeting is not held within 28 days after the notice is given, at the end of that 28 day period.

Note: The effect of sub-section (4) is that an interim resolution cannot be acted on for 29 days after it is made but if notice of a special general meeting is given within that 29 day period, the interim resolution cannot be acted on until the resolution is confirmed at that meeting (which must be held within 28 days after the notice is given) or if the meeting is not held, until the end of that 28 day period.

### 1.5 Other Attendance

Tal Sahar

Tideways Pty Ltd



## 2. Adoption of the meeting rules

**Motion:** That the meeting rules listed in the explanatory notes that were circulated with the meeting documentation, be adopted.

**Result:** Motion carried without dissent

## 3. Appointment of chair of the meeting\* (s79 of the Act)

**Motion:** That the Manager be appointed to Chair the meeting

**Result:** Motion carried without dissent

## 4. Declaration of a Conflict of Interest

All members present in the meeting declared that they did not have, or could be perceived as having, a Conflict of Interest on any matter relating to the Owners Corporation, except for the following:

- Sym Kohn declared that he is related to Rowan Opat from Opat Architects who is currently engaged as the consulting architect for the lift project and therefore will excuse himself from voting on any matter related to Opat Architects

## 5. Voting procedure (s92 of the Act)

**Motion:** That the votes on all motions will be done via electronic voting

**Result:** Motion carried without dissent

## 6. Minutes of the previous inaugural annual general meeting (s71(2)(i) of the Act).

**Motion:** That the Minutes of the previous Annual (Inaugural) General Meeting for Owners Corporation Plan No. 1 743082B held on 15 December 2020 be confirmed as a true and accurate record of that meeting.

**Result:** Motion carried without dissent

## 7. Owners corporation reports

### 7.1 Committee report (s115 of the Act)

Sym Kohn presented a verbal report of the committee's activities since the committee was elected at the last general meeting.

With regards to accessing the Swellnet cameras overlooking the bay, residents can access this in one of two ways

1. <https://www.swellnet.com/surfcams/st-kilda> (no account required)



2. <https://www.swellnet.com/user/register?destination=/user/access-code> (residents required to create an account first)

After creating their account they will be redirected to a page to enter their access code: SK0783. Accessing via this method removes the ads and extends the timeout.

## 7.2 Manager's report (s126 of the Act)

The Manager noted that the Manager's report was distributed with the notice of meeting. There were no questions from members on the Manager's report.

## 7.3 Greening Committee report

Di Kilsby presented a report on behalf of the greening sub-committee. A copy of the slides shared with the members during the meeting is included with these minutes.

## 8. Maintenance plan\* (s36 of the Act)

It was noted that the Owners Corporation has a maintenance plan, a copy of owners upon request. The Maintenance Plan was prepared on 22/09/2020.

## 9. Financial statements

**Motion:** That the Owners Corporation is a Not For Profit (NFP) entity under AASB 102, and as such is a non-reporting entity as defined by the Australian Accounting Standards.

**Result:** Motion carried without dissent

**Motion:** That the Owners Corporation is not required to produce General Purpose Financial Reports and will only require Special Purpose Financial Reports to be produced.

**Result:** For: 26    Against: 1    Abstain: 1    **Motion Carried**

### 9.1 Audited Financial statements for the period 1 July 2020 to 30 June 2021\* (s34 of the Act)

**Motion:** That the audited financial statements for OC1 for the period 1 July 2020 to 30 June 2021 be approved

**Result:** Motion carried without dissent

## 10. Annual budget and fees for the financial year 1 July 2021 to 30 June 2022\* (s23 of the Act)

### 10.1 Owners Corporation 1 Administration fund budget

**Motion:** That the proposed Owners Corporation 1 annual administration fund budget for the financial year 1 July 2021 to 30 June 2022, of \$297,500.50 excluding GST be approved

**Result:** For: 27    Against: 1    **Motion Carried**



## 10.2 Owners Corporation 1 Administration fund fees

**Motion:** That the annual Owners Corporation 1 administrative fund fees for the financial year 1 July 2021 to 30 June 2022, of \$189,499.40 excluding GST be approved and that fees are collected Quarterly in advance

**Result:** For: 26 Against: 1 Abstain: 1 **Motion Carried**

## 10.3 Owners Corporation 1 Maintenance Fund Budget

**Motion:** That the proposed Owners Corporation 1 annual maintenance fund budget for the financial year 1 July 2021 to 30 June 2022, of \$954,500.00 excluding GST be approved

**Result:** Motion carried without dissent

## 10.4 Owners Corporation 1 Maintenance Fund Fees

**Motion:** That the annual Owners Corporation 1 maintenance fund fees for the financial year 1 July 2021 to 30 June 2022, of \$335,700.60 excluding GST be approved and that fees are collected Quarterly in advance.

**Result:** For: 27 Against: 1 **Motion Carried**

## 11. Occupational Health & Safety

Members are reminded that compliance with the OH&S laws is an ongoing obligation. Members should regularly monitor the property and immediately advise the Manager of any required maintenance or safety issues at the property.

## 12. Owners corporation insurance (s59 of the Act)

### 11.1 Insurance Renewal

**Motion:** That the Owners Corporation Committee is delegated the authority on behalf of the Owners Corporation to select and approve the most appropriate insurance renewal policy based on quotes and recommendations put forward by the insurance broker.

**Motion:** Should the Committee not provide clear instruction to the Manager at least 5 business days prior to the policy expiry, a Standing Direction be given to the Owners Corporation Manager to renew the insurance policy at the suggested rate of cover indicated by the insurer's recommendation on the renewal notice or as indicated by the replacement and reinstatement report, whichever is greater.

**Result:** Motions carried without dissent

### **Personal/Owners contents & legal liability**

*Members are reminded that it is their own responsibility to arrange insurance cover for public liability and personal contents inside their Lot (including carpets, curtains and light fittings).*



### 13. Debt recovery, interest and arrears

#### 13.1 Charging of penalty interest\* (s29 of the Act)

**Motion:** That the Owners Corporations may charge interest on any amount payable by a lot owner to the Owners Corporation that is outstanding after the due date for payment, at the maximum rate payable under the Penalty Interest Rates Act 1983 or other lesser amount as included in the Owners Corporation rules. The maximum penalty rate is 10% p.a. which is calculated daily on overdue fees.

**Result:** For: 25 Against: 2 Abstain: 2 **Motion carried**

#### 13.2 Insurance excess

**Motion:** That if an excess is payable on any claim made on an insurance policy held by the Owners Corporation, the Lot owner receiving the benefit of the claim will be liable for the excess.

**Result:** Motion carried without dissent

#### 13.3 Cost recovery\* (s30 of the Act)

**Motion:** That any person responsible for the Owners Corporation incurring costs and expenses as a result of a default or breach of any obligation under the Owners Corporation Act 2006, the Owners Corporation Regulations 2018 or the rules of the Owners Corporation will be liable and responsible for paying those costs and expenses and the Owners Corporation is empowered to take any action necessary to recover the costs and expenses from that person.

**Result:** Motion carried without dissent

#### 13.4 Lot owners in arrears

**Motion:** That the Owners Corporations may initiate legal proceedings against a lot owner if fees or charges are owed to the Owners Corporation 28 days after the date the final fee notice is issued. All costs associated with recovering the money owed, including solicitors' charges, will be invoiced to the Owners Corporation account of the relevant lot owner and the relevant lot owner will be liable for all of those costs. The Owners Corporation manager is authorised to take any action necessary to facilitate the recovery of debt.

**Result:** Motion carried without dissent

### 14. Committee of management\* (s100 of the Act) and other positions

#### 14.1 Election of committee

**Motion:** That the Owners Corporation elects not more than 7 members to the committee of management until a new committee is elected.

**Result:** For: 1 Against: 26 **Motion defeated**

**Motion:** That the Owners Corporation elects 9 members to the committee of management until a new committee is elected.



**Result:** Motion carried without dissent

**Motion:** That each Owners Corporation elects a committee of management to serve until a new committee is elected.

#### **14.2 Delegation to the committee**

**Motion:** That the Committee is delegated all of the powers and functions that may be delegated under s11 of the Owners Corporations Act 2006

**Result:** Motion carried without dissent

#### **14.3 Committee of Management**

A vote was conducted to elect up to 9 members to serve on the Committee of Owners Corporation 1. The following people were elected onto the committee

<b>Name</b>	<b>Lot</b>
1. Ty Brierley	GF
2. John Van Der Laan	2A (nominated in absentia)
3. Russell Jessop	3A
4. Ana Mikulic	3E
5. Mark Brickles	4G
6. Roger Hackworth	6F
7. Michael Cass	9E
8. Sym Kohn	9H
9. Colin Trewern	10A

It is noted that the committee's must elect a chairperson and secretary as soon as possible and no later than the first committee meeting

#### **14.4 Notice of a Committee Meeting**

**Motion:** That the Committee of the Owners Corporation may determine the notice to be given for a committee meeting and is not required to give three (3) days' notice as set down in s109 of the Act.

**Result:** For: 24 Against: 1 Abstain: 1 **Motion carried**

### **15. Appointment of manager**

#### **15.1 Contract of appointment**

Tideways Management contract with the Owners Corporation is current until 16/12/2023.

#### **15.2 Delegation to the manager**

It is noted that pursuant to Section 11 of the Act, the Owners Corporation delegates powers and functions to the Manager as set out in the Act and in the Contract of Appointment.



## 16. Use of the owners corporation seal (s20(2) of the Act)

**Motion:** That the Owners Corporation authorises any two (2) members of an Owners Corporation to witness the application of the common seal on any document based on a resolution of this meeting or the Committee of Management

**Result:** Motion carried without dissent

## 16. Lift Replacement Project Update

Sym Kohn and Russell Jessop provided an update in relation to the lift upgrade project. One lift is being designed to travel to the rooftop level and will have appropriate access provisions for residents and guests with mobility aids.

The tender documentation is imminently being issued by Opat Architects to a number of parties and a successful tenderer will be selected by the committee.

## 17. General Business

No items of general business were raised.

## Meeting closed 8.00pm

### Meeting Chairperson

Tal Sahar

### Address

Tideways Pty Ltd  
PO Box 1027, Caulfield North VIC 3161

### Position (e.g., Secretary)

Owners Corporation Manager

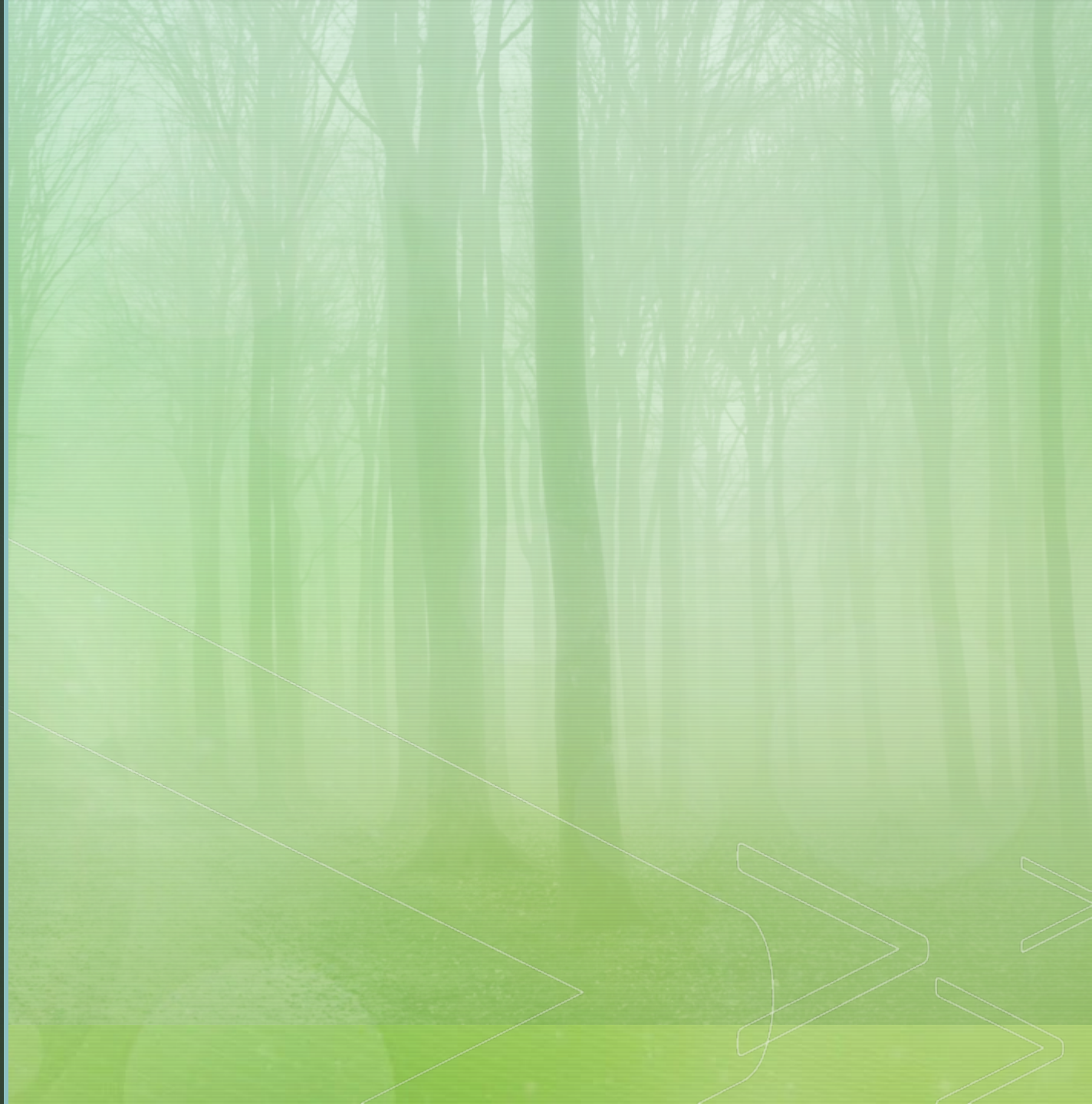
### Contact telephone number

03 9534 4614



Edgewater  
Towers  
Greening  
Working  
Group

Progress  
Report 2021



# Greening Working Group

Inaugural meeting March 2021

Current members: Russell Jessop, Marg Wilson, Gabrielle Townsend, Alyson Campbell, Di Kilsby, Ana Mikulic, Lainie Cann, Jenny Delahunt, Don Townsend

Thanks to past members Clara van der Kooi and Roger Hackworth

*New members welcome!*



# Recycling information

Posters on  
correct recycling

*Please use  
recycling bins  
correctly!*



## RECYCLING TIP #1:

**NO PLASTIC BAGS  
ALLOWED IN THE  
(YELLOW)  
RECYCLING BIN**

Thank you!

**From your Greening Working Group**

Contact [gabrielle.joan.townsend@gmail.com](mailto:gabrielle.joan.townsend@gmail.com)

# Reducing our food waste

Successful application City Port Phillip FOGO pilot

Audit by Reground: We can divert roughly 100-140kg of organic waste per month

Caddies available on request from Greening Working Group

*Please compost: help reduce our carbon footprint!*



# Facilitating recycling

Collection of empty toothpaste and dental floss containers

Started January 2022  
– very successful!

*Box in lobby last weekend each month.*



# Herb garden

Design and budget  
approved

Plot prepared,  
indigenous plants  
salvaged/ replanted

Herb planting working  
bee:

**SUNDAY 3 APRIL**

*See you there!*



FUTURE  
VISION

Events!

Strategic plan:  
*we want your  
ideas!*

Conversations

PLEASE JOIN IN!

Fun!

