

29/05/2023

**THE OWNERS CORPORATION FOR – STRATA PLAN NO. 63869  
'SEAGULL SHORES  
MINUTES OF THE ANNUAL GENERAL MEETING**

*Strata Schemes Managements Act 2015*

**Held on site, in the pool area on Thursday 4th of May 2023 commencing at 9:00AM.**

**PRESENT:** Lot 1, Lot 3, Lot 4, Lot 5, Lot 6, Lot 8, Lot 13, Lot 14, Lot 17, Lot 24, Lot 26, Lot 27, Lot 29, Lot 30, Lot 33, Lot 34

**PROXIES:** Lot 4 in favour of lot 30.

**APOLOGIES:** N/A

**IN ATTENDANCE:** Michelle Russell of TCM Strata Coastal

**CHAIRPERSON:** Michelle Russell conducted the meeting under delegated authority.

**MOTIONS:**

1. **RESOLVED THAT** the minutes of the last general meeting be adopted as a true and accurate account of the proceedings of that meeting.
2. **RESOLVED THAT** the attached statements of key financial information for the administrative fund, the capital works fund and any other fund prepared by the owners corporation together with the relevant auditor's report if required be adopted.
3. **DECLINED THAT** an auditor be appointed.
4. **RESOLVED THAT** the existing insurance covers be confirmed; it be decided whether additional insurance of the kind referred to in Section 165(2) of the Strata Schemes Management Act 2015 should be taken out and the matter of renewal be discussed and that the Directors and Officers Liability insurance be increased to \$500,000 immediately.
5. **RESOLVED THAT** the Owners Corporation considered & determined to maintain as per their Capital Works Analysis Report.
6. **RESOLVED THAT** for the purpose of collecting levy contributions, interest, and recovery costs thereon and pursuant to the Act (including section 103 of the Act), authorisation is given to the strata managing agent and/or the strata committee to do any of the following:
  - (a) Levy Recovery Step 1: issue a reminder levy notice 45 days after the levy due date.
  - (b) Levy Recovery Step 2: issue 2nd levy recovery letter 75 days after the levy due date.

- (c) Levy Recovery Step 3: 96 days after the original date the levy was due, and where the debt is in excess of \$2,000, appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation of solicitors, barristers and/or experts on behalf of the Owners Corporation to issue a letter of demand and/or to commence, pursue, continue or defend any court, tribunal or any other proceedings against any lot owner, mortgagee in possession and/or former lot owner in relation to all matters arising out of the recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs;
- (d) Enforce any judgment obtained in the collection of levy contributions including commencing and maintaining bankruptcy or winding up proceedings.
- (e) Filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions; and,
- (f) Liaise, instruct and prepare all matters with the Owners Corporation's debt collection agents, lawyers and/or experts in relation to any levy recovery proceedings.

7. **DECLINED THAT** the Owners Corporation resolve pursuant to Section 85(5) of the Strata Schemes Management Act 2015 to agree to enter into payment plans for the payment of overdue levy contributions on a basis that the Strata Manager thinks is fair and reasonable taking into account the Owners Corporation financial position at the time and that the owner who enters into the payment plan be responsible for all associated costs.

8. **RESOLVED THAT** no restrictions are to be placed on the committee.

9. **RESOLVED THAT** nominations be received for the election of the strata committee members and the Owners Corporation determine the number of persons to be elected to the strata committee be three (3) as follows;

Position	Name	Lot
Secretary	Lionel Viney	8
Treasurer	Colleen Dowley	27
Chairperson	Leigh Tynan	30

10. **RESOLVED THAT** the Owners Corporation, in accordance with the Strata Schemes Management Regulations 2016 clause 14(1), adopt where appropriate any of the following means of voting on a matter to be determined by the corporation or committee:

- (a) voting by means of teleconference, videoconferencing, email or other electronic means while participating in a meeting from a remote location,
- (b) voting by means of email or other electronic means before the meeting at which the matter (not being an election) is to be determined by the corporation or committee (*pre-meeting electronic voting*).

11. **RESOLVED THAT** the Owners Corporation consider engage a competent asbestos consultant to inspect and report on the common property and identify any hazards and risks within the common property.

12. **DECLINED THAT** the Owners Corporation engage a competent safety consultant to inspect the common property and identify any hazards and risks within the common property and to make recommendations to eliminate or minimise any identified hazards and risks.

13. a. The Owners Corporation **RESOLVED by ordinary resolution:**

That the amount of money the owners corporation will need to credit to its administrative fund for actual and expected expenditure are estimated in accordance with section 79(1) of the *Strata Schemes Management Act 2015* and contributions to the administrative fund determined in accordance with section 81(1) of the *Strata Schemes Management Act 2015* at \$ \$109,401.05 NO GST

b. That the amount of money the owners corporation will need to credit to its capital works fund for actual and expected expenditure are estimated in accordance with section 79(2) of the *Strata Schemes Management Act 2015* and contributions to the capital works fund determined in accordance with section 81(1) of the *Strata Schemes Management Act 2015* at \$13,000 NO GST

- c. The Owners – Strata Plan No. 63869 RESOLVE by ordinary resolution to deregister from GST.
- d. **THAT** in accordance with the Strata Schemes Management Act, 2015 the Administrative Fund and Capital Works Fund budgets be approved, and the levies be determined.

Due Date	Period
01/04/2023 (struck as interim levy)	01/04/2023 to 30/06/2023
01/07/2023 (NO GST from this point)	01/07/2023 to 30/09/2023
01/10/2023	01/10/2023 to 31/12/2023
01/01/2024	01/01/2024 to 31/03/2024

- 14. RESOLVED THAT** in the event that the Owners Corporation is unable to hold the next Annual General Meeting before **1/3/2024** the Owners Corporation estimates and approves the yearly and quarterly expenses of the scheme will be the same as those contained in the current budget and accordingly resolves to raise a levy for the quarter/s / periods below in the same amount and equivalent to the quarterly levy raised and payable for the previous quarter.

Due Date	Period
01/04/2024	01/04/2024 to 30/06/2024

- 15. RESOLVED THAT** the Owners Corporation resolve to appoint **TCM Strata:**

That pursuant to section 49 of the Strata Schemes Management Act 2015 that TCM Coastal Strata Management, Tweed Heads (herein called "the agent") be appointed as managing agent of SP63869 for a term of two (2) years based on the management fee of **\$9,350.00 pa inc GST**;

That the owners corporation delegate to the agent all of the functions of:

- (i) the owners corporation (other than those listed in section 52(2) of the Strata Schemes Management Act 2015); and
  - (ii) its chairperson, treasurer, secretary, and strata committee
- necessary to enable the Agent to carry out the *'agreed services'* and the *'additional services'* as defined in and subject to the conditions and limitations in the Agency Agreement.

That the agency agreement attached to this agenda and tabled at this meeting be signed by two persons nominated by the owners corporation (being owners of lots or members of the strata committee) which incorporates instruments appointing the Agent and delegating all the powers, authorities, duties and functions referred to therein.

That the agent be authorised and empowered to notify all tradespeople and service providers to the owners corporation to direct all accounts, correspondence, service of minute of delegated function by managing agent and enquires concerning the owners corporation to TCM, located at 75-77 Wharf Street, Tweed Heads, NSW, 2485 and that the agent be further authorised to complete and sign any require documentation to affect such changes.

- 15. RESOLVED THAT** the Owners Corporation address for service of notices on the owners corporation be changed to TCM Coastal Strata Management, located at 75-77 Wharf Street, Tweed Heads NSW 2485 and that the appropriate notices under section 262 of the Strata Schemes Management Act 2015 be completed, executed and lodged for registration in the Land Titles Office to record the change of address for service of notices and the common seal of the owners corporation be affixed pursuant to section 273 of the Strata Schemes Management Act 2015. There is a government fee for this of \$147.70 (GST inclusive), plus a fee equivalent to one hour of the strata manager's time for completion, execution and lodgement of the required form.

- 16. RESOLVED THAT** the Owners Corporation resolve to use **Strata Hub** and that the strata committee acknowledge and authorise the following:

- a) Delegate to the strata manager the function of uploading available information/documents from the books and records required to comply with the Strata Schemes Management Regulations relating to the Office of Fair Trading “strata hub” in accordance with the existing terms of the Managing Agency Agreement.
- b) Approve the payment of the strata manager’s fees (additional services) for the work required at a rate of \$195.00 plus GST for initial upload of content and \$130.00\* plus GST per annum for ongoing annual updating of Hub content in accordance with existing terms of the Managing Agency Agreement.
- c) Acknowledge the prescribed fee of \$3.00 per lot p.a. (GST exempt inclusive of any utilities lots) payable by the Owners Corporation to Service NSW and authorise managing agent to process the requisite payment on behalf of the Owners Corporation inclusive of any associated merchant fees.
- d) That the strata committee confirms the emergency contact for the scheme to be entered into the Hub is the after-hours customer care line of the Managing Agent.

17. **RESOLVED THAT** the Owners Corporation resolve to annually issue to lots with a pontoon the public liability cost for the pontoon coverage through the current insurance provider for the strata plan in the form of an owner invoice. Noting this year, the amount is \$1,800 for the 6 pontoons.

#### **MANAGEMENT NOTES:**

**Noted that** the pontoons need to be approved through Tweed Council. Manager is to draft a letter confirming that Seagull Shores Public Liability cover expressly does not currently extend to 18’s Pontoon and will not until such time as the structure holds Council’s formal approval and that council is to provide approval of same to the body corporate.

**Noted that** the Manager is to send information regarding common property memorandum across to the committee for their consideration.

**Noted that** the Manager reminds all that dogs are not permitted in the pool and gazebo area.

**Noted that** the Manager reminds all that speeding within the Estate will not be tolerated. There are many young children around.

**Noted that** the Manager reminds all that junk mail is to be placed in the bin and not at the front entrance.

**Noted that** the Manager reminds all that no parking on grass verges. Residents are responsible for their visitors.

**Noted that** the Manager reminds all that the ground floor outdoor decks are excluded as Strata property and owners are responsible for their repair.

**MEETING CLOSED.**