

MINUTES OF ANNUAL GENERAL MEETING

COMMUNITY LAND MANAGEMENT ACT 1989



ACUMEN STRATA

**The Owners of Lots in Community Association DP No. 270427
Prince Henry at Little Bay
Anzac Parade, Little Bay NSW 2036
The Meeting was held on Monday, 18 March 2024
In the Hibiscus Room in the
Coast Centre for Seniors, Curie Ave, Little Bay NSW 2036
Commenced at 6:12pm**

Present	In Attendance
Jenny Elliott (lot 6)	Bronwyn Evans (lot 7)
Phil Bannister (lot 7)	Garry Hartley (lot 18)
Steve McDermott (lot 18)	Helen Wells (Acumen Strata)
Lyndsay Neale (lot 30)	Raymond Rez (Acumen Strata)
Mary Ugarte (lot 36)	Apologies
Arthur Carruthers (lot 51)	
Leonard Ryan (lot 52, 53, 57, 58)	
Robyn Alexander (lot 82)	
Lesley Wood (lot 101)	
Keeri Russo (lot 127)	
Chairperson: Helen Wells (by invitation)	

- Minutes of previous General Meeting** **Resolved** that the minutes of the last General Meeting of the Community Association held on 17 April 2023 was confirmed as a true record and account of the proceedings at that meeting.
- Financial Statements** **Resolved** that, in accordance with clause 8(b) of Schedule 1 of the Act, the audited financial statements for the period 31 December 2023 be adopted.
- Auditor** **Resolved** that Thomas Davis & Co. be appointed to audit the financial statements for the financial year ending on 31 December 2024.

4. Re-appointment of Acumen Strata Management

That in accordance with Section 53 of the Community Land Management Act 2015 The Members – Deposited Plan No 270427 **RESOLVED** by ordinary resolution to re-appoint *Acumen Strata Management Pty Ltd* (ABN 85 609 860 568) (Agent) as strata managing agent for a term of three (3) years on the terms and conditions set out in the proposed strata management agency agreement (*Agreement*) tabled at the meeting, and that the following be delegated to the Agent:

- (a) All of the functions of the Community Association (other than its power to make a delegation, to make a decision on a matter that is required to be decided by the Owners Corporation or to make a determination relating to the levying or payment of contributions); and
- (b) The functions of chairperson, secretary, and treasurer necessary to enable the Agent to carry out the 'Agreed Services' and the 'Additional Services' as defined in the Agreement; with effect from the 18 October 2024, provided that:
- (c) the delegation to the Agent is subject to the conditions and limitations listed in the Agreement;
- (d) the Community Association is to execute the Agreement to give effect to this appointment and delegation; and
- (e) authority is given to two members of the Strata Committee to affix the common seal of the Community Association to the Agreement.

5. Administrative and Capital Works Fund

Resolved that in accordance with section 83 and 84(1) of the Act the estimated receipts and payments (Budget) for the Administrative Fund and the Capital Works Fund be adopted and contributions determined as follows:

- (a) To the General Administrative Fund in the amount of \$104,000.00 plus GST in instalments as set out in the table below:

ADMINISTRATIVE FUNDS				
Instalment	Levy Due	Admin (excl GST)	GST	Total (incl GST)
1 (Invoiced)	1/01/2024	\$24,675.00	\$2,467.50	\$27,142.50
2	1/04/2024	\$26,441.67	\$2,644.17	\$29,085.83
3	1/07/2024	\$26,441.67	\$2,644.17	\$29,085.83
4	1/10/2024	\$26,441.66	\$2,644.16	\$29,085.84
TOTAL		\$104,000.00	\$10,400.00	\$114,400.00

- (b) To the Capital Works Fund in the amount of \$6,000.00 plus GST in instalments as set out in the table below

CAPITAL WORKS FUNDS				
Instalment	Levy Due	Capital (excl GST)	GST	Total (incl GST)
1 (Invoiced)	1/01/2024	\$1,500.00	\$150.00	\$1,650.00
2	1/04/2024	\$1,500.00	\$150.00	\$1,650.00
3	1/07/2024	\$1,500.00	\$150.00	\$1,650.00
4	1/10/2024	\$1,500.00	\$150.00	\$1,650.00
TOTAL		\$6,000.00	\$600.00	\$6,600.00

- (c) That the Administrative Fund and Capital Works Fund contributions continue quarterly thereafter until redetermined as set out in the table below

Type	Levy Due	Amount (excl GST)	GST	Total (incl GST)
Admin Fund	1/01/2025	\$26,000.00	\$2,600.00	\$28,600.00
Capital Works Fund	1/01/2025	\$1,500.00	\$150.00	\$1,650.00

6. Lot 88 –
Ratification of
Legal
Engagement

- (a) The Community Association – D.P. No. 270427, **DISCUSSED** the current status of the NSW Civil and Administrative Tribunal between Community Association DP 270427 and Igor Kazagranti and Inna Kazagranti, NCAT File No. CL 23/03624.
- (b) The Community Association – D.P. No. 270427, **RATIFIED** the decision made that the Association Committee meeting on 29 May 2023 and for the avoidance of doubt **RESOLVED** to continue with NSW Civil and Administrative Tribunal between Community Association DP 270427 and Igor Kazagranti and Inna Kazagranti, NCAT File No. CL 23/03624.
- (c) The Community Association – D.P. No. 270427, **RATIFIED** the decision made that the Association Committee meeting and for the avoidance of doubt **RESOLVED** to pursuant to Section 106 of the Community Land Management Act 2021 (NSW) to engage Grace Lawyers to act on your behalf and continue with NSW Civil and Administrative Tribunal between Community Association DP 270427 and Igor Kazagranti and Inna Kazagranti, NCAT File No. CL 23/03624 and all matters incidental thereto and to pay all of Grace Lawyers’ reasonable costs in acting for the Community Association as disclosed in the costs agreement and costs disclosure between Grace Lawyers and the owners corporation dated 6 April 2023 and 17 October 2023.
- (d) The Community Association – D.P. No. 270427, **RESOLVED** to delegate the authority to both its managing agent and/or the Association Committee to liaise with, provide instructions to and, subject to the legal advice from the Community Association’s lawyer, settle the NSW Civil and Administrative Tribunal against Igor Kazagranti and Inna Kazagranti in relation to CL 23/03624.

7. Insurance

Resolved that, in accordance with section 148 of the Community Land Management Act, the insurance policies currently in force (as listed below) be confirmed, varied or extended.

Policy Type	Sum Insured	Company	Policy Number	Premium	Due Date
COMMUNITY PROPERTY	\$ 242,400.00	CHU Underwriting Agency Pty Ltd	NT204526	\$3,606.16	31/03/2024
CATASTROPHE	\$ 36,360.00				
PUBLIC LIABILITY	\$ 30,000,000.00				
FIDELITY GUARANTEE	\$ 100,000.00				
OFFICE BEARERS	\$ 20,000,000.00				
VOLUNTARY WORKERS	\$ 200,000/2,000				
GOVT AUDIT COSTS	\$ 25,000.00				
LEGAL EXPENSES	\$ 50,000.00				
APPEAL EXPENSES	\$ 100,000.00				
COMMON CONTENTS	\$ 2,242.00				
COMMUNITY INCOME	\$ 36,360.00				

8. Additional Insurances

Resolved that the Community Association delegate authority to the Association Committee to determine whether to extend the insurance to include any other optional insurances, subject to the advice from the insurance broker at the time of renewal.

9. Report on Commissions

Noted that the Community Association consider the report from the Managing Agent as to whether, and what commissions or training services have been provided to or paid for the agent (other than by the Community Association) in connection with the exercise by the agent of functions for the scheme during the preceding 12 months and particulars of any such commissions or training services and estimates of any such commissions or training services that the agent believes are likely to be provided to or paid for the agent in the following 12 months.

Note:

As at the date of the meeting the Agent had received \$0.00 insurance commission and \$0.00 in training services.

In the forthcoming 12 months \$0.00 insurance commissions and \$0.00 in training services is anticipated

10. Valuation

Resolved that, in accordance with section 150 of the Act, the Association property be revalued for insurance purposes noting the last valuation was undertaken on 25 October 2018, and the next valuation being due prior to this year's renewal.

11. Association Committee

Resolved that the community Association elect a new Association Committee as follows:

- (a) Called for written and oral nominations for members of the Association Committee:

Nominee	Nominee's Lot	Nominated By Lot	Method of Nomination	Method of Acceptance
John Pearson	51	51	Written	Written
Phil Bannister	7	7	Written	Written
Chris Hanson	127	127	Written	Written
Leslie Wood	101	101	Verbal	Verbal
Steve McDermott	18	18	Verbal	Verbal

- (b) **Noted** that the candidates for election to the Association Committee disclosed no connections with the original owner for the scheme;

- (c) The number of members of the Association Committee to be five (5).

- (d) Elect the Association Committee as follows:

Nominee	Nominee's Lot	Nominated By Lot	Method of Nomination	Method of Acceptance
John Pearson	51	51	Written	Written
Phil Bannister	7	7	Written	Written
Chris Hanson	127	127	Written	Written
Leslie Wood	101	101	Verbal	Verbal
Steve McDermott	18	18	Verbal	Verbal

12. Restricted Matters

Resolved that the Community Association would not place any further restrictions on the Association Committee.

13. **Overdue Levy Contributions (Debt Collection)** **Resolved** that pursuant to section 91 of the Act for the purpose of collecting levy contributions, the Community Association authorises the Association Committee and/or Managing Agent to do any one or more of the following:
- (a) issue arrears notices, reminder notices and/or letters to seek recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs (1st reminder after 30-days, 2nd reminder after 60-days, 3rd reminder after 90-days, and after 115 days in arrears as per (b) below);
 - (b) engage or appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation of lawyers and/or experts on behalf of The Community Association – Deposited No 270427;
 - (c) 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 Community Association’s debt collection agents, lawyers and experts in relation to any levy recovery proceedings.
14. **Payment Plans for Overdue Levy Contributions** **Resolved** that, pursuant to section 90(5) of the Act, the Community Association delegate authority to the Association Committee or the Managing Agent to enter into payment plans generally with owners involving the recovery of unpaid levies, interest and recovery costs. Payment plans are limited to 12 months and must incorporate the payment of any future reoccurring levy. A payment plan to provide the following:
- (a) the schedule of payments for the amounts owing and the period for which the plan applies;
 - (b) the manner in which the payments are to be made; and
 - (c) contact details for a member of the Association Committee or a Managing Agent who is to be responsible for any matters arising in relation to the payment plan.
15. **Next Annual General Meeting** **Resolved** that the date, time and place of the next Annual General Meeting be determined by the Association Committee.

Closure

There being no further business the meeting closed at 6:56pm.

- The Association Committee noted that the brick structure previously used to house Telstra communications equipment is now being rented to the Association gardeners to store their tools and materials. A Vote of Thanks was extended to Phil Bannister for his works in coordinating the arrangement.
- A Vote of Thanks was extended to Leslie Wood for her assistance in the successful enforcement of the by-laws through the application to the NSW Civil and Administrative Tribunal, and for her work managing the Community Association’s community website.
- A Vote of Thanks was extended to Robyn Alexander for her work on the Electric Vehicle charging project.