
MINUTES
of the Annual General Meeting

of

Community Corporation 23362 Inc.
4-8 CHARLES STREET, ADELAIDE

held

at Scots Church Hall
237 North Terrace, Adelaide SA 5000

on Thursday, 28 October 2021 at 6:00 PM

PRESENT

In Person

Lot 1	A C Heywood-Dollman
Lot 5	P Relf
Lot 7	A M Rayson
Lot 10	G R Edwards
Lot 17	B Gooden
Lot 18	Boulevard City Apartments Pty Ltd represented by D Chadbourne
Lot 19	A K Tuohy & E L Farrant
Lot 31	A C Axelby
Lot 38	V Gocur
Lot 39	S R Berry & K N Hansen
Lot 40	J & S Angelini, Quinzis Confectionary
Lot 41	I Cody
Lot 50	F J & C F Buttigieg
Lot 53	R J Creasey
Lot 55	R L Dollman
Lot 61	P McKee
Lot 70	R Creaser
Lot 104	D Silvestri
Lot 107	D Silvestri

By Proxy

Lot 4	C Cheung represented by proxy to the representative of Buchan Lee Property Group
Lot 15	J R Sullivan represented by proxy to C F Buttigieg
Lot 16	S Baker & A Sulaiman represented by proxy to the representative of Buchan Lee Property Group
Lot 23	S Baker & A Sulaiman represented by proxy to the representative of Buchan Lee Property Group
Lot 24	S Baker & A Sulaiman represented by proxy to the representative of Buchan Lee Property Group
Lot 30	DTL Investments Pty Ltd represented by proxy to the representative of Buchan Lee Property Group
Lot 32	M S Chan & P H Lo & Y N J Chan represented by proxy to Whittles
Lot 34	E Tham represented by proxy to the representative of Buchan Lee Property Group

- Lot 35 Dreamtown Pty Ltd represented by proxy to the representative of Buchan Lee Property Group
- Lot 36 Cheah Superfund - J & J Cheah represented by proxy to the representative of Buchan Lee Property Group
- Lot 44 T K Bui & H M L Giang represented by proxy to the representative of Buchan Lee Property Group
- Lot 45 Y & Y H Chan represented by proxy to Whittles
- Lot 46 J Ling, H & J Ling Holdings Pty Ltd represented by proxy to the representative of Buchan Lee Property Group
- Lot 51 Martin Towers Pty Ltd represented by proxy to P Relf
- Lot 62 C C & K A Karykis represented by proxy to R Creasey
- Lot 63 Martin Towers Pty Ltd represented by proxy to P Relf
- Lot 64 Martin Towers Pty Ltd represented by proxy to P Relf
- Lot 65 Martin Towers Pty Ltd represented by proxy to P Relf
- Lot 66 Martin Towers Pty Ltd represented by proxy to P Relf
- Lot 67 G Fisher represented by proxy to the representative of Buchan Lee Property Group
- Lot 74 D Lee represented by proxy to the representative of Buchan Lee Property Group
- Lot 78 M R Francisco represented by proxy to the representative of Buchan Lee Property Group
- Lot 81 C Birzer represented by proxy to the representative of Buchan Lee Property Group
- Lot 82 M Smee & C Wastell represented by proxy to D Silvestri
- Lot 84 J Tho represented by proxy to the representative of Buchan Lee Property Group
- Lot 85 D Bilusich represented by proxy to the representative of Buchan Lee Property Group
- Lot 88 P Ho represented by proxy to D Silvestri
- Lot 89 DTL Investments Pty Ltd represented by proxy to the representative of Buchan Lee Property Group
- Lot 93 Elizabeth South Surgery Pty Ltd represented by proxy to the representative of Buchan Lee Property Group
- Lot 99 K F Chow represented by proxy to the representative of Buchan Lee Property Group
- Lot 101 P Lee represented by proxy to the representative of Buchan Lee Property Group
- Lot 102 M M F Lai represented by proxy to the representative of Buchan Lee Property Group
- Lot 103 F Cufone represented by proxy to the representative of Buchan Lee Property Group
- Lot 109 A Lok represented by proxy to the representative of Buchan Lee Property Group
- Lot 111 J & S Nominees Pty Ltd represented by proxy to the representative of Buchan Lee Property Group

By Proxy with written voting instructions

- Lot 3 M Borg proxy to P Relf
- Lot 22 C A Cook
- Lot 25 H Webber
- Lot 27 L Rimon & V Barrett
- Lot 29 Solar Holdings Pty Ltd proxy to A Axelby
- Lot 43 C L Moey proxy to the representative of Buchan Lee Property Group

Lot 52 C A Cook
Lot 69 R & S Singh proxy to the representative of Buchan Lee Property Group
Lot 79 D Lim & I Yu proxy to the representative of Buchan Lee Property Group
Lot 83 R & C Wee proxy to the representative of Buchan Lee Property Group
Lot 92 J Yong proxy to D Silvestri
Lot 100 H Huat & Y Toeh proxy to the representative of Buchan Lee Property Group
Lot 106 L J Meehan proxy to the representative of Buchan Lee Property Group

In Attendance

Steve Geyer representing Whittles Body Corporate Management Pty Ltd

Apologies

Lot 52 C Cook

PROCEEDINGS

PRESIDING OFFICER

The Treasurer , R Creasey, presided over the meeting.

It was resolved that the Corporation Manager was to assist by conducting and recording the minutes of the meeting.

Quorum

The Corporation Manager declared that a quorum was formed with 67 of the 111 eligible Lots represented by presence or proxy. The manager explained that those Lot holders in arrears to the Corporation would not be considered as part of the quorum nor would they be eligible to vote on any issue. Those units for which owners *are un-financial have not been included in the quorum count.*

Declaration of Interest

All owners or their nominees, were reminded that they were required to advise the meeting if they had any direct or indirect pecuniary interest in any matter to be considered by the meeting. Whittles refers all Members to the Corporation's Agreement for disclosure of all its relevant interests.

1. Acceptance of Minutes

In accordance with the provisions of Section 81(5)(b) of the Community Titles Act 1996, the minutes of the last Annual General Meeting held on 29 October 2020 and sent to owners were accepted as a true and correct record of the proceedings of that meeting.

2. Acceptance of Statement of Accounts

In accordance with the provisions of Section 81(5) (d) of the Community Titles Act 1996 (amended), the audited Statement of Accounts for the financial year ended from July 2020 to June 2021 which have been circulated to all members, were accepted.

R Creasey spoke to members of the financial position of the Corporation noting that despite expending money to the Primary Corporation for the work to repair the facade of the building the Corporation will be maintaining contributions at the current rate.

R Creasey advised major expenses for the coming year include rectification work to the pool and continued preventative maintenance where required.

3. Appointment of Manager

In our endeavours to continuously improve customer service, Whittles have implemented a more comprehensive support structure for your Body Corporate Manager contacts.

Your team consists of:

Body Corporate Manager - Steve Geyer - 8291 2300

Assistant Manager - Mathew Altamura - 8291 2300

Assistant - Naomi Davidson

Administration Support - Virginia Zilm

What does this mean for you?

This structure will enable your management team to attend to your enquiries faster and operate more effectively. Going forward, you may contact or be contacted by one of the members of your team about anything in relation to the management of your Corporation.

It was resolved that the Corporation decided under Section 76(9) of the Community Titles Act 1996 to:

3.1 appoint Whittles Management Services Pty Ltd as its Manager to supply Services,

3.2 make the appointment for a Term of twelve(12) months, being from the July 2021 to June 2022 and that upon expiry of the Term this agreement will continue on a month to month basis until the next Annual General Meeting or until delegation is revoked,

3.3 authorise limited powers to Whittles Management Services Pty Ltd,

3.4 agree to pay Service Fees to Whittles Management Services Pty Ltd,

3.5 acknowledge the Disclosures by Whittles Management Services Pty Ltd, and

3.6 execute the Services Agreement that specifies the details of the terms and conditions of the appointment, with Whittles Management Services Pty Ltd.

The Services Agreement is available for viewing at whittles.com.au through your owner portal.

4. Election of Office Bearers and Committee

In accordance with Section 76(1) & 90 (1) of the Community Titles Act 1996, the meeting appointed the following Office Bearers and Committee Members.

Presiding Officer	C Karykis	Lot 62
Secretary	P Relf	Lot 5
Treasurer	R Creasey	Lot 53
Member	D Chadbourne	Lot 18
Member	E Farrant	Lot 19
Member	A Axelby	Lot 31
Member	C Wastell	Lot 82
Member	D Silvestri	Lot 104

Limitations Imposed

The Body Corporate Manager advised that the Management Committee and Officers of the Corporation do not have powers to resolve matters subject to special or unanimous resolutions.

Committee Meetings should be conducted in accordance with Sections 91 to 99 of the Community Titles Act 1996. An agenda should be forwarded to all committee members and decisions at the meeting minuted, copies of which are to be included with the Corporation's records.

5. Appointment of Primary Corporation Representatives

In accordance with the Community Titles Act 1996, the meeting appointed the following Primary Corporation Representatives.

Previous Representatives and nominees are:

Lot 1 - C Karykis

Lot 3 - R Creasey

D Silvestri (Proxy for both Lots 1 and 3 in the event one or both of the representatives were unable to attend a meeting.)

6. Accredited Contractors

To ensure compliance with work health and safety requirements to protect both contractors and corporations, Whittles only engage accredited contractors who comply with state and territory legislation. If the Body Corporate decides, by act or omission to engage a contractor who is not accredited with Whittles, the Body Corporate acts as the Person Conducting a Business or Undertaking, in regard to the common property for the purposes of occupational health and safety legislation. This means, that If the contractor engaged by the Body Corporate does not have the necessary accreditation, an injured party may seek damages from the Body Corporate.

The Body Corporate Manager will only request quotations from, and instruct works to be undertaken on behalf of the Body Corporate, by accredited contractors. However, non-accredited contractor's invoices will be processed for payment only when instructed to do so by the Body Corporate Chairperson or a person authorised by the Body Corporate to do so.

7. Annual Compliance Register

The Work Health and Safety Act 2012, recognises that a Corporation's common property is a workplace, as such the Corporation is responsible for ensuring the workplace is free from hazard, as far as reasonably practicable. Whittles has established a register to ensure owners are fully aware of their legislative and reporting requirements for the Body Corporate. Many different areas are subject to annual compliance and the Manager may review at the meeting all Corporation obligations and where necessary, update any compliance reports required to be held on file.

All legislative compliance reports will be reviewed promptly as required and any maintenance attended to in accordance with Australian Standards or Industry best practice using qualified and reputable practitioners. To ensure that the Body Corporate obligations are met and maintained during the year, the Compliance Register will be updated throughout the year.

8. Sinking Fund Forecast

In accordance with the Section 113 Community Titles Act 1996, a suitably qualified contractor inspected the property in December 2016 and prepared a sinking fund projection.

The Sinking Fund Forecast is available for viewing at whittles.com.au through your owner portal.

9. Current Insurance Details

The Corporation's current policy details are as follows:

Underwriting Agency	Chubb Insurance Australia Limited
Broker	SUREWiSe
Policy Number	03GS007113
Expiry Date	31/08/2022
Building / Common Property Cover	\$176,971,190 Excess Held
Legal Liability	\$50,000,000 Excess \$2,500 Each & Every Claim
Office Bearer's Liability	\$20,000,000 Excess \$2,500 Each & Every Claim
Catastrophe Cover	\$52,565,700
Flood Cover	Not Held
Machinery Breakdown	Not Held
Appeal Expenses	\$150,000 Excess \$1,000 Each & Every Claim
Crime Insurance	\$2,000,000 Excess \$2,500 Each & Every Claim
Fidelity Guarantee	\$2,000,000
Floating Floors	Not Held
Loss of Rent/Temporary Accommodation	\$35,043,800
Professional Expenses	\$30,000 Excess \$1,000 Each & Every Claim
Voluntary Workers	\$500,000 / \$200,000 Excess The First 7 Days of Incapacity

Notes

Policy 1 Excess:

Earthquake - \$20,000 or an amount equal to 1% of the total Declared Values at the situation damage occurs whichever is the lesser.

All other - \$2,500 Each & Every Claim.

Water Damage including any discharge, leakage and or escape of any liquid whatsoever, however so occurring and or any resultant loss whatsoever - \$5,000 Each & Every Claim.

Please refer to Policy for Sub-Limits, and Product Disclosure Statement for Policy Limitations.

10. Insurance Renewal

The Corporation Manager advised that insurance is a matter managed by the Primary Corporation and Whittles as managers of the Secondary Corporation are not involved in these deliberations. Whittles will however continue to provide assistance as requested by Secondary Corporation Members.

Owners were reminded that where repairs are carried out under insurance and the repairs benefit a particular lot, the lot owner will be responsible for the payment of any excess subject to any explicit instructions to the contrary by the corporation.

Whittles recommends consideration be given to the following additional cover options if not already included in your policy; office bearers liability, flood or catastrophe, electrical surge, loss of rent and machinery breakdown.

Contents Insurance

The Body Corporate Manager advised members of the necessity for them to arrange individually for adequate insurance for the contents of their lots, inclusive of carpets, drapes, light fittings, etc., whether or not the lot is occupied by the lot owner or tenant, and it was noted that the Corporation's Legal Liability cover applied primarily to common property and that lot owners should be separately insured for cover in relation to their own premises.

The Corporation's Insurance Certificate of Currency is available for viewing at whittles.com.au through your owner portal.

11. General Business

Security Door on Austin Street is Activated for the Original Remote Button - Lot 61

The Manager advised the Committee are investigating this issue, but noting that there is limited memory on the system to handle additional remote controls. The Committee will continue to work with the Primary Corporation on the security door.

The Lift on Southern Side is Adjusted to Allow Access to Floors By Individual Fob Only - Lot 61

The Manager advised this issue has been repaired and the security to the lifts is in place.

Car Park Painting of Walls & Surface - Lot 104

D Silvestri spoke to Members advising that once the Corporation's major expenditure items have been completed the issue with the painting the car park will be revisited.

Members discussed the state of the canopy to the entrance to the foyer, noting it is unsightly and should be removed completely or replaced. R Creasey advised any work to replace the canopy would need approval of the Primary Corporation. R Creasey advised the committee will investigate removing the canopy.

Members discussed what the Committee will be doing to ensure the building is covered when the borders open up on the 23rd November 2021. R Creasey advised there are already hand sanitisers installed, air purifiers are being installed to the lifts and cleaning protocols have increased. Members discussed using QR codes for people entering the building. It was noted that it would be hard to police but the Committee would investigate.

12. Administrative Fund Budget

In accordance with Section 81(5)(d) (iii) of the Community Titles Act 1996, the attached Administrative Fund budget was approved and adopted.

This budget is the same as the previous budget with total proposed contributions of \$190,967 ex GST per quarter for the financial year ending June 2022.

Contributions will be raised in accordance with Lot Entitlement Values.

13. Sinking Fund Budget

In accordance with Section 116 of the Community Titles Act 1996, the attached Sinking Fund budget was approved and adopted.

This budget is the same as the previous budget with total proposed contributions of \$66,938 ex GST per quarter for the financial year ending June 2022.

Contributions will be raised in accordance with Lot Entitlement Values.

14. Insufficient Funds Special Levy Authority

The Corporation RESOLVED that should there be insufficient funds in the Administration Account of the Corporation to meet the payment of the premium for insurance, rates and taxes or other like expenses as and when those expenses become due for payment and which if unpaid would expose the Corporation to risk or the imposition of fines or other sanctions, then, and only then, the Body Corporate Manager is authorised, but in consultation with the Office Bearers / Management Committee, to raise a Special Levy to meet the shortfall required to ensure payment of the relevant expense PROVIDED THAT the amount of the Special Levy so raised is to be in accordance with Lot Entitlement Values and must not exceed the sum of \$90,000 ex GST ("the Maximum Levy Amount").

If the Maximum Levy Amount is insufficient to meet the relevant expense or expenses, then any additional Special Levy necessary to meet such expense must be authorised by the Body Corporate at a duly convened General Meeting of owners.

15. Audit of Annual Financial Statement

In accordance with Part 13, Division 2 of the Community Titles Act 1996, it was resolved that the Corporation is obligated to carry out an independent audit of the Corporation's annual statement of accounts. Whittles recommends MGI Assurance (SA) be appointed at an estimated cost of \$1,970 ex GST.

16. Interest Charged on Overdue Contributions/Levies

In accordance with the provisions of Section 114 (4) of the Community Titles Act 1996, it was unanimously resolved that the Corporation will apply arrears interest of 15% per annum, calculated daily, if payment of a contribution or levy or an instalment of a contribution or levy is not received in full within 30 days of the due date. The Presiding Officer and/or Management Committee is authorised to waive penalty interest charges in extenuating circumstances at its discretion.

17. Recovery of Overdue Contributions/Levies

In accordance with Section 114 (7) of the Community Titles Act 1996, it was unanimously resolved that Whittles is authorised to take all necessary action, without the need for further authority, including instructing a debt recovery company to initiate legal proceedings against owners on behalf of Community Corporation 23362 Inc. when they are in arrears to recover overdue contributions and levies, penalties and recovery costs incurred

Whittles charge the debtor for the issue of a First Arrears Notice if payment of a contribution or levy or an instalment of a contribution or levy is not received in full within 30 days of the due date. (30 days or more overdue), and when issuing instructions to the debt recovery company.

Fees charged by third party providers will be recovered from the debtor at cost per invoice.

18. Electronic Communication

With the increasing cost of mail and delays through the Australia Post system, the Committee recommends that owners elect to receive all communication via email (this includes correspondence and contribution notices).

19. Solar Panel Installation (Ordinary Resolution)

The Body Corporate agreed to the installation of solar panels as per the attached proposal at an approximate cost of \$128,000 including GST.

Background:

The Management Committee have researched and obtained quotes for the installation of additional solar panels to assist in reducing the electricity costs for the pool.

The Manager advised following a vote it was agreed for the Corporation to proceed with the installation of the solar panels.

NEXT ANNUAL GENERAL MEETING

There was general agreement that next year's meeting should be held at a time and date to be advised.

CLOSURE

The meeting closed at 7.45p.m.

Owners are able to access & update their personal details through Whittles Owner Portal online.

To access your account go to www.whittles.com.au select 'Owner Portal' and enter the following details:

- Account code
- Plan number
- Unit number
- PIN (if this is your first time logging in, leave pin blank as you will be prompted to set a pin)

*** Please note that Whittles encourages owners to receive all correspondence and account notices via email, this ensures timely delivery of documents.**