

Minutes of Annual General Meeting

Plan Name	DP 776652 SETTLERS GREEN HOME OWNERS ASSOCIATION INC (ABN 33 638 396 138)
Address	Quarter Sessions Rd, Westleigh NSW 2120
Meeting Date	2 nd November 2022
Time	6:00pm
Venue Address	Settlers Green Clubhouse 24 Settlers Way, Westleigh NSW 2120

Minutes

Attendance:

Lot # Unit # Attendance Owner Name Representative

7	1M	Yes	Christopher Valentine Jennings
10	7S	Yes	Michael Barden and Merissa Barden
11	5S	Yes	David Lawson
14	2S	Yes	Linda Patricia Gilchrist
15	4S	Yes	Nicole Weston
19	12S	Yes	Amanda Alice Maitland
21	16S	Yes	Donald Michael Zacherl
23	20S	Yes	David Lenz
24	22S	Yes	Pat Rockcliff
29	8M	Yes	Melannie Rochelle Hogan
30	6M	Yes	Christopher and Kelly Belcastro
31	4M	Yes	Susan Joy Mattinson and Barton
34	57Q	Yes	Julie Ann Manning
43	4R	Yes	Denise and Graham Angles
45	5R	Yes	Doris Gordon
46	7R	Yes	Rashmi Mittal
47	1W	Yes	Gustavo De Carvalho Machado
48	3W	Yes	Kenneth Wyper
49	5W	Yes	Janine Matthews
50	7W	Yes	Heather Bronwyn Warwick
51	9W	Yes	Nyree Joy Davis

52	15W	Yes	Tatiana Siviz
53	17W	Yes	Linda Joy Dandie
61	12R	Yes	Timothy Mark Sillar
62	14R	Yes	Anthony Bryant Williams
63	2P	Yes	James Richard Scott and Lisa Jane Scott
65	6P	Yes	Christopher Lance Herbert
66	8P	Yes	Robert Bruce Rice
67	10P	Yes	Adem Haji Adil
68	12P	Yes	Gregory William Hastie
69	14P	Yes	Dianne Mary Kitchener
70	9P	Yes	Kerri Joyce Luke
72	5P	Yes	Paul E C Street
73	3P	Yes	Carolyn and Gordon Young

Apologies: John Hogan, Michael and Marilyn Hollier, Phil Lynch, Rohini and Deb Das

Opening

Chairperson (CH) declared the meeting open at 6:06pm and said he was chairing the meeting in the absence of Krysta Smyth who had Covid. CH gave his President's Address outlining the work undertaken during the year, noting that it had been a busy year. CH also referred to the death of Barry Thompson and Gillian Donovan during the year. He noted their lengthy contributions to the SG Association. Barry Thompson served for 18 years on the Committee while Gillian's husband Pat also had served on the Committee and was a past President. CH also acknowledged that Bev Thompson who has sold and will leave Settlers Green, has made a very significant contribution through her tireless work in maintaining and improving the gardens of SG.

Finally, CH thanked Adem Adil and Kerri Brimfield who have not sought re-election, for their contribution to the work of the Committee this year.

Minutes

Motion

Resolve that the minutes of the last AGM meeting held on 2nd November 2021 be adopted as a true and accurate record of the proceedings of that meeting. ***Carried unanimously.***

Financial Statements

There was considerable discussion regarding the way in which the Financial Statements are presented, especially the difference between those prepared by James Scott, the Treasurer and those presented by Lamb & Walters (L&W). JS noted the need to set the levies for 2023, the end of August is the date that is used to for planning. At the end of October due to the Special Levy there is \$106,000 in the account. For the purpose of the Ten-Year Plan and Levy the assumption was made that there will be \$63,000.00 in the Sinking Fund by the end of this year. Queries were raised about how L&W presented some items (eg. Landscaping) as Expenditure (Sinking Fund) rather than Maintenance (Administrative Fund). Consequently, there will be a need to rebalance between the Sinking Fund and the Administration Fund.

There was some concern that there was a \$50,000 capital works budget for 2023 and that the papers indicated this would all be spent. There was some clarification that the Committee would

look to present a one year Capital Works budget, as well as the 10 Year Plan. For the coming year the committee had determined that there is no expected capital expenditure, consequently a one year Capital Works budget has not been prepared for 2023.

The proposed overall levy for 2023 is an increase by 4.4% with the Administration Fund being reduced to \$115,000 and an increase to the Sinking Fund by 35% to \$50,000 ex-GST. JS noted that there is no expected capital expenditure expected/planned to be drawn from the Sinking Fund in 2023. It was noted that this could change if something unexpected occurred.

Motion

Resolve that the Financial Statement for the period ending 31/08/2022 as presented be received and adopted. *Carried unanimously.*

Contributions to the Administrative Fund

Discussion of contributions were interlaced with those during discussion of the Financial Statements.

Motion

The Settlers Green Home Owners Association Incorporated – DP No. 776652 resolve by ordinary resolution:

1. That the amount of money the association will need to credit to its administrative fund for actual and expected expenditure are estimated in accordance with the Constitution of the Settlers Green Home Owners Association Incorporated and contributions to the administrative fund determined at \$126,979.60 Incl GST.
2. That the contributions to the administrative fund be paid in equal quarterly instalments, the first such instalment being due on 1/01/2023 and subsequent instalments being due on the days of 1/04/2023, 1/07/2023, 1/10/2023

Carried unanimously

Contributions to the Capital Works Fund

Discussion of contributions were interlaced with those during discussion of the Financial Statements.

Motion

The Settlers Green Home Owners Association Incorporated – DP No. 776652 resolve by ordinary resolution:

1. That the amount of money the Association will need to credit to its Capital Works Fund for actual and expected expenditure are estimated in accordance with the Constitution of Settlers Green Home Owners Association Incorporated and contributions to the capital works fund be determined at \$55,000 Incl GST.
2. That the contributions to the Capital Works Fund be paid in equal quarterly instalments, the first such instalment being due on 1/01/2023 and subsequent instalments being due on the days of 1/04/2023, 1/07/2023, 1/10/2023

Carried unanimously

Levy Collection

Motion

The Settlers Green Home Owners Association Incorporated – DP No. 776652 resolve by ordinary resolution that should any owner, mortgagee in possession or former owner of a lot not pay contributions by their due date in relation to that lot that:

(a) The Community Manager may issue one or two reminder letters each requesting payment within 14 days of the reminder letter;

(b) If the owner, mortgagee in possession or former owner has not made payment of any outstanding amount in accordance with any remainder letter sent by the Community Manager, a debt collection agent or lawyer be instructed to:

(i) Prepare and issue to any relevant lot owner, mortgagee in possession or former lot owner a notice of proposed action to recover by way of proceedings in a court of competent jurisdiction on behalf of the owners corporation setting out:

1. The amount of the contribution, interest or expenses sought to be recovered;
2. The proposed recovery action by way of proceedings in a court of competent jurisdiction.
3. The date the contribution was due to be paid;
4. Whether a payment plan may be entered into in accordance with the *Association Incorporated Act 2009*; and
5. Any other action that may be taken to arrange payment for the contribution;

(c) A debt collection Agency or Lawyer be engaged and instructed to:

- (i) Provide advice regarding recovering outstanding contributions;
- (ii) Commence, maintain, defend or discontinue court proceedings against any lot owner, mortgagee in possession or former lot owner where outstanding contributions are due in relation to the relevant lot;
- (iii) Take legal action to recover unpaid contributions, interest or unpaid contributions or related expenses by enforcing any obtained judgement obtained including:
 1. Obtaining any necessary writ(s) for the levy of property; and
 2. Obtaining any necessary garnishee order(s)

Carried unanimously

Auditor

Motion

That an auditor be engaged to audit the annual accounts.

Carried unanimously

Association Committee

Motion

That nominations be received for the election of the Association Committee and the Settlers Green Home Owners Association Incorporated determine the number of persons to be elected to the Association Committee and elect the same.

Carried unanimously

A ballot followed with the following being elected to the Committee **for** the coming 12 months:

Christopher Herbert, David Lenz, James Scott, Don Zacherl, John Hogan, Ken Wyper, Janine Matthews, Tony Williams and Linda Gilchrist

Insurance

Motion

The Settlers Green Home Owners Association Incorporated – DP No. 776652 resolve by ordinary resolution as follows:

1. That the scheme consider the taking out of insurance of the kind referred to in the Constitution of the Settlers Green Home Owners Association Incorporated, if insurance of that kind has not already been taken out.

Carried unanimously

Reappointment of Managing Agent

Motion

The Settlers Green Home Owners Association Incorporated – DP No. 776652 resolve by ordinary resolution, that:

(a) The Prior Agreement is terminated on the date determined for that purpose by the Association Committee, without prejudice to any accrued rights and obligations under the Prior Agreement

(b) the Agreement will replace the Prior Agreement and govern the relationship between Settlers Green Home Owners Association Incorporated and the Agent as from the date of termination of the Prior Agreement.

Carried unanimously

Limitations on Committee

There was also discussion regarding the need for a limitation on the amount that could be spent by the Committee for a Capital Works project before a Special Meeting of members was needed. Mel Hogan noted that a set amount should not be set too low as to hamstring the Committee in undertaking necessary work. Greg Hastie said that in the past the Committee had a limit of \$15,000 excluding GST before it had to go to the members of the Association. Chris Herbert said that Krysta Smyth (L&W) said that if we set limitations now, it needs to be an Agenda item each year so that there is a point of reference to fall back on.

Consequently, in lieu of formalising the spend limit through a special resolution and amending the constitution, it was decided that we keep this as an agenda item each year at the AGM for each incoming committee to be accountable to.

Motion

That any limitations in the powers of the Committee under Section 14 of the Constitution be determined and adopted.

This motion was reframed.

Amended Motion

That we are applying a limitation of \$20,000 (no greater) including GST in any one expenditure from the Sinking Fund.

Motion carried

Prior to closing the meeting following the election of the Committee for 2023, Chris Herbert thanked Merisa Barden for the sterling job that she had done as a member of the Committee. He thanked her for the time and effort made to the functioning of the Committee.

Meeting declared closed at 7.54 pm