

From: [Andy Doves](#)
To: southcoast@stansurestrata.com.au
Cc: theteam@stansurestrata.com.au
Subject: RE: Emerald Lakes - The Quays CTS 33891 - Notice of an Extraordinary General Meeting to be held on Tuesday, 15 August 2023
Date: Thursday, 3 August 2023 9:43:00

Hi Tania/Andrew

My view of the EGM situation to date.

1. EGM called under S40 as mentioned solely on page 4 of the EGM papers.
2. References to Sections 81(1) and 84 were incorrect. Section 81(1) corrected to S91(1); Section 84 corrected to S97 but is again incorrect – it should refer to S94.
3. It appears that agenda items 2 & 3 have no basis for inclusion as the committee did not resolve to have them on a general meeting agenda prior to the resignations and S40 coming into effect. Stansure confirm this in their email of 3/8/23 when they state: "The Committee, prior to the resignations, had advised our office these were to be considered at the next General Meeting, however there was not a resolution as such as then the resignations were received." As we all know the only way a committee can make a decision is by voting on a resolution.
4. The legislated "must include" Section 43 motion was not on the agenda.
5. The error of the omission of the S43 agenda motion is compounded by:
 - a. Stansure's excuse that it was omitted because Stansure does not offer Part 5 agreements or services, which is irrelevant to the S43 requirement; and,
 - b. Stansure's misinformation in their email to Owners of 1/8/23 when they state: "Owners to also note that under BCCM Legislation it states if a Committee is not formed at this meeting, that the Body Corporate must consider entering a Part 5 Agreement,.....,".

This is in direct contradiction of the legislation that states: "If a general meeting is called under section 40, the agenda for the general meeting must include a motion approving the engagement of a person as a body corporate manager under part 5."

- c. Stansure also state in their email to Owners of 1/8/23: "Should a Committee not be formed from this meeting, 25% of the owners will need to seek and put forward a Part 5 Agreement outlining the associated costs to be raised by way of a **Special Levy** requesting another Extraordinary General Meeting be convened." So, Stansure are telling us that because they have not included the legislated "must have" S43 motion in the 15/8/23 EGM agenda, that we must then have another EGM in the form of a 25% Owners requested EGM. **I think maybe that's why S43 is in the regulations and its nominated motion is compulsory!**

I think there are sufficient grounds to apply for an interim order.

Regards
Andy Doves
Owner Lot 3006

From: Andy Doves <dovesadd@bigpond.com>
Sent: Monday, July 24, 2023 10:33 AM
To: southcoast@stansurestrata.com.au
Cc: theteam@stansurestrata.com.au
Subject: RE: Emerald Lakes - The Quays CTS 33891 - Notice of an Extraordinary General Meeting

to be held on Tuesday, 15 August 2023

Hi Tania/Andrew

I am seeking information regarding the EGM Notice and papers sent to Owners as per the below Stansure email of 21/7/23.

1. The authority for this EGM is not part of the information given to Owners. I am presuming it is, in fact a general meeting called by the Secretary as authorised by a resolution of the committee.

As the committee has not met formally since the AGM held on 28/6/23 could you please forward to Owners the VOCM authorising this EGM and in the detail required by Division 5, Section 63, of the BCCM (Accommodation Module) Regulation 2020 and especially regarding each motion that is "voted on other than at a meeting;" – **so that, as required, Owners may be fully informed prior to voting at the EGM.**

2. Page 2 of the EGM papers references under an ^{*} *Section 81(1) of the Accommodation Module Regulations.* Regretfully there is no Section 81(1) in the Regulation, while Section 81 refers solely to the **"Time of general meetings"**. Could you please correct this reference **so that, as required, Owners may be fully informed prior to voting at the EGM.**
3. Page 2 of the EGM papers references under an ^{**} *Section 84 of the Accommodation Module Regulations which provides that a person may vote in any of the following ways on a motion.....*. Regretfully Section 84 refers solely to **"First annual general meeting"**. Could you please correct this reference **so that, as required, Owners may be fully informed prior to voting at the EGM.**
4. Election of Committee – According to the minutes of the AGM held less than a month ago on 28/6/23, 7 Owners were elected to the committee and now 6 positions have been declared vacant in the EGM papers. Given that one Owner held both the Chairperson and Treasurer positions that means that 5 owners have resigned from the committee and 2 have remained as Ordinary Members. **So that Owners may be fully informed before nominating and/or voting for the committee, could you please:**
 - a) inform Owners which committee members have resigned and the date of resignation.
 - b) confirm who has remained on the committee.
 - c) include copies of the notices of resignation by committee members as required to be kept under Section 220(6)(e) of the BCCM Regulation 2020.
6. I also draw your attention to Section 43 of the BCCM Regulation 2020 which states:
 - (1) If a general meeting is called under section 40, the agenda for the general meeting must include a motion approving the engagement of a person as a body corporate manager under part 5.
 - (2) The motion may be considered at the general meeting only if, after the election to fill all vacant committee member positions conducted at the meeting under section 42—
 - (a) at least 1 executive member position on the committee is not filled; or
 - (b) the total number of voting members of the committee is less than 3.
 - (3) If the motion is considered at the general meeting, it must be considered as the last item of business for the meeting.

Could you kindly add this required motion to the EGM agenda so that Owners are not left in limbo should the vacancies not be filled.

Regards

Andy Doves

Owner Lot 3006

From: Stansure Strata <theteam@stansurestrata.com.au>

Sent: Friday, July 21, 2023 8:31 AM

To: dovesadd@bigpond.com

Subject: Emerald Lakes - The Quays CTS 33891 - Notice of an Extraordinary General Meeting to be held on Tuesday, 15 August 2023

Dear Owner,

Please find attached correspondence for your attention.

Kind regards

Stansure Strata

On behalf of your Strata Management Team