

# THE CONSTITUTION OF THE OCEAN CLUB RESORT RESIDENTS COMMITTEE

## PART 1 RESIDENTS COMMITTEE

### 1. PREAMBLE

The Ocean Club Resort Residents Committee is the formal organisation of the residents of Ocean Club Resort, Lake Cathie NSW.

The Committee is governed by;

- (i) 'The Constitution' which is a static document outlining the composition, purpose and main operating parameters of the Committee. It has been created to provide a general framework and guidelines for the smooth running of the Committee.
- (ii) 'Standing Rules' - the rules as developed and amended by the Residents Meetings to cover routine and varying issues.

### 2. DEFINITIONS

- (i) Ocean Club Resort - the Resort
- (ii) 'Residents Meeting' – The formal convening of the Ocean Club Resort residents meeting.
- (iii) 'The Act' – *The Residential (Land Lease) Communities Act 2013* (the Act) and any applicable aspects of relevant Regulations of the NSW Department of Fair Trading
- (iv) 'The Committee' – The Ocean Club Resort Residents Committee as defined in this Constitution and as required under the Act
- (v) 'Management' – the owners, Sean Tieck (Gwynvill Trading), John Gilmour (Huntingdale Properties) and the on-site Manager, Karen Twigg
- (vi) 'Chairman' (Chair or Chairperson) - specifically the person who resides over the Residents Committee meetings and quarterly or ad hoc Residents Meetings.

### 3. PURPOSE OF THE COMMITTEE

The purpose of the Committee is to provide a forum for residents to present issues relevant to all residents and the lifestyle at the Resort and to consult with Management, and other outside organisations as may be required, on their behalf.

### 4. REQUIREMENTS

The Committee is to act at all times with respect and responsibility to all residents whether actively involved with the Committee or not.

At all times the Committee is to carry out its functions with due regard to all legal and moral obligations including careful consideration being given to privacy concerns. Care should be exercised in the possible disclosure of the private affairs of individuals or other information which may come into the possession of the Committee.

The Committee shall keep residents informed of activities being undertaken and the status of issues addressed to Management.

The Committee shall report monthly on collective matters pertaining to Residents electronically or in a hard copy where residents do not have access to electronic facilities.

## 5. THE RESIDENTS COMMITTEE

The Residents Committee shall consist of the following;

- Chairman
- Deputy Chairman
- Secretary
- Members

The committee is to be elected at the Annual General Meeting. The nominations are to be called for four weeks prior to the AGM by notice issued by the incumbent Committee. Nominations for Committee positions are to be submitted on the recognized nomination form and lodged with the Committee Secretary at least 72 hours before the scheduled Residents Meeting commencement.

The Nomination will then be included on the Meeting Agenda and posted on the notice board 48 hours prior to the meeting.

An Acting Chairman should be appointed for the purpose of undertaking the election of Committee members.

With the future growth of the Resort it may be necessary to address the Committee structure. Any future changes will necessitate a formal motion being put to the residents at that time in accordance with the Constitution.

If there are no nominations to fill a position, then the Acting Chairman may call for nominations from the floor to fill that position. Pre-poll votes are not eligible to be counted for the voting on that position.

Allowance needs to be made should the required number of the Committee members not be achieved, ie at least 3 members and not more than 5. In this instance a Special Meeting (Paragraph 10) may have to be convened with the existing Committee taking a caretaker role.

All residents named on an official lease for residence at the Resort are automatically accepted as being eligible to stand for nomination and to vote.

## 6. COMMITTEE MEMBERS RESPONSIBILITIES

The Chairman's duties are as follows:

- To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order.
- To announce the business before the assembly in the order in which it is to be acted upon.
- To state and to put to vote all questions which are moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote.
- To facilitate at all times orderly debate, manage the meeting so as to prevent any delaying or time-wasting actions and ensure all members have the opportunity to exercise their right to speak or propose motions.

The Secretary's duties are as follows:

- To act as the recording officer of the Committee and the custodian of its records.
- To record the minutes of all meetings.

- To make available all Committee records open for inspection by any residents.
- To send out proper notices of all meetings, and prepare all necessary paperwork and an agenda to conduct the meeting.
- To monitor the correspondence of the Committee.
- To maintain the Residents Group section of the notice board.
- To distribute signed copies of the Residents Meeting Minutes as follows;
  - to the notice board
  - Management
  - Copies for record keeping.

The Deputy Chairman's duties are to act in the absence of the Chairman and assist the Chairman at other times as required.

## 7. RESIDENTS COMMITTEE MEETING PROCEDURES

The Residents Committee will meet at least two weeks prior to the quarterly meetings of residents and/or whenever circumstances warrant.

Residents who wish to submit a proposal for consideration by the committee should do so using the approved form (Attachment 8) and lodging this with the Chairman or Secretary.

The Residents Committee will consider such proposals and other issues and prioritise these for submission to Management. Voting by the Committee is by simple majority. In the event of a tied vote the proposal is to be deferred to the following meeting/s until there is a majority voting either for or against the proposal.

Where submissions are made to Management should no response be made within 30 days the Secretary shall seek a response.

## 8. SCHEDULED MEETINGS

Residents' quarterly meetings are to be held on the last Friday of the month in February, May, August and November.

Residents quarterly meetings will be limited to a maximum of two hours duration unless an extension of time is requested, and voted on by members, to cover any outstanding business.

The Committee shall meet at least two weeks prior to the quarterly Residents Meetings to finalise business to be addressed at the quarterly meeting.

## 9. ANNUAL GENERAL MEETING

The Annual General Meeting is to be held on the last Friday in February each year.

The scheduled quarterly meeting will be held prior to the AGM.

At the completion of the Residents Meeting, the outgoing Chairman will present an annual report before declaring all committee positions vacant and introducing a temporary chair to conduct the election of the new committee.

## 10. SPECIAL MEETINGS

A Special Meeting may be called to deal with and resolve matters of urgency or extreme

importance.

A Resident or Management may request in writing to the Chairman to call for a Special Meeting to be convened. Full details of reasons for the request must be given to allow the Secretary to notify residents and publish the agenda.

The Chairman will advise the Secretary to notify all Residents by notice (Appendix G – Request for Special Meeting Form) with details of the request including the date and time of meeting and call for responses by return of the notice.

A minimum of 25 positive responses from residents agreeing to the meeting being convened must be received within seven days of issue of the notice for the Secretary to proceed with convening the meeting.

A Special Meeting cannot be convened within 21 days of a scheduled quarterly meeting as any business can be conducted at a scheduled meeting. The Committee may waive this timeframe if it is believed a matter is of such an urgent or important nature and that the best interests of the residents would be served by a meeting being called on short notice. In this case a meeting should be convened as soon as is practicable.

## 11. MEETING QUORUMS

The quorum to conduct a Scheduled Quarterly Meeting and/or an Annual General Meeting is a minimum of 40 residents (including office bearers)

The quorum to conduct a Special Meeting will be a minimum of 30 residents.

In the absence of a quorum, the only business that can be transacted is to take measures to obtain a quorum, i.e. to take a recess to enable the quorum to be reached. If a quorum cannot be reached within 15 minutes of the recess being taken, then the meeting shall stand adjourned to the same time and place seven days later, when the meeting may proceed, even if no quorum is present.

## 12. MEETINGS – ORDER OF BUSINESS

The order of business for Scheduled Quarterly Meetings will be as follows:

- Declaration of meeting commencement
- Apologies
- Welcome new residents
- Minutes from previous meeting (to be taken as read when posted on notice board)
- Business arising from the minutes
- Correspondence – in/out
- Reports - Social Committee, Bowls Committee and various other groups
- Business arising from reports
- Business held over from previous meeting
- Motions on Notice
- Motions from Floor
- General Business
- Next meeting announcement and Meeting closure.

## 13. MEETING BEHAVIOUR

Residents should at all times conduct themselves with decorum whilst participating in a Meeting, whether it is as an observer or a speaker, and treat all other persons with the respect to which all

are entitled.

When addressing the meeting on any subject a resident must always direct any speech to the Chair and not to any individual person at the meeting.

Residents will begin their address by identifying themselves by stating their name and residential lot number.

This identification is only required for resident's first address at a Meeting and is not required in subsequent addresses at the same Meeting.

Speakers will be required to confine their address to the subject at hand and be concise and to the point.

When directed by the Chair to finalise their speech, a speaker will make every effort to comply.

If the Chair calls for a point of order, the speaker is to resume their seat until addressed by the chair.

A Meeting must not be used in any way to personally attack any individual and any such behaviour will be condemned by the Chair and the person involved asked to desist or leave the Meeting. If the conduct at a Meeting is such that reasonable progress cannot be achieved, the Chair may accept a motion to call for a recess to restore order or adjourn the Meeting to be reconvened at the next scheduled Meeting date.

#### 14. CORRESPONDENCE

All correspondence to the Residents Committee is to be directed to the Chairman or Secretary of the Committee. Should any correspondence be received that is considered to contain malicious intent, breach of privacy or personal abuse towards any person the matter should be referred to the Residents Committee and to record that the correspondence was rejected and returned to the writer.

Similarly, if correspondence is accepted that may breach privacy or offend any person, the Chairman or Secretary in consultation with the Committee, may censor and/or omit any part of the correspondence when presenting the correspondence to the Meeting.

#### 15. PRESENTATION OF MOTIONS

(i) The preferred method for submitting motions for consideration and resolution by the Committee is by 'Notice of Motion'.

Details are to be written on the recognised Notice of Motion form and submitted to the Committee at least 72 hours before the scheduled Residents Meeting commencement. The Motion will then be included on the Meeting Agenda and posted on the notice board 48 hours prior to the meeting.

(ii) The secondary method for submitting Motions for consideration and resolution by the Residents Group is by 'Motion from the Floor'.

Details are to be written on the recognised 'Motion from the Floor Form' and submitted to the Committee Secretary at the meeting.

#### 16. VOTING

Voting for Committee positions will be by secret ballot, with the exception that in the case of only one nomination for a position, that nomination may be accepted by a show of hands.

Voting on motions presented to a meeting will be in the form of a show of hands. For a motion to be carried at least seventy five percent (75%) of residents in attendance at the meeting must vote in favour of the motion.

The Chairperson will call for a division if requested from the floor.

The Chairperson, at his/her discretion, can select residents to assist in the count of the vote.

Pre-poll votes are not eligible to be included in voting for the resolution of a Motion from the Floor.

Each resident is entitled to one vote or one pre-poll vote as per the 'Pre-poll Vote Rules'.

Proxy votes are not recognised under this Constitution.

## 17. PRE-POLL VOTES

Residents who are unable to attend a Meeting may submit a pre-poll vote on the recognised pre-poll voting form.

Pre-poll votes can only be submitted for inclusion in the election of committee members who are nominated prior to a Meeting and for Motions posted on the notice board (Motion on Notice) and included on the Meeting Agenda.

Pre-poll votes cannot be submitted for voting on nominations called from the floor of a Meeting or on motions presented from the floor of a Meeting.

Residents wishing to avail themselves of a pre-poll vote must submit their vote on a Pre-poll Vote form to the Chairperson or the Secretary prior to the commencement of the Meeting.

Where a Notice of Motion has been amended from the original wording following discussion at the Residents Meeting, the Chairman will rule on the validity of any pre-poll votes to be included, taking into account the spirit in which the original Motion was worded to be voted upon, and the extent of the amendment to the Motion to differ from the original intent.

If the Chairperson is in any doubt then the pre-poll vote is not to be included.

The intent of pre-poll votes is to allow residents who would be unable to attend a meeting, the choice to register their vote on published agenda items only, i.e. basically an Absentee or Postal vote.

## 18. NO CONFIDENCE MOTION

Residents may present a Notice of Motion of No Confidence in the Committee if for any reason those residents believe that the incumbent Committee is ineffective or unworkable.

If such a motion is passed then a Caretaker Chairman and Caretaker Secretary will be elected from nominations from the floor and will serve until a formal election is held at the next scheduled Residents Meeting.

The Caretakers will operate under the same regulations as the committee members they replace.

## 19. CHANGES TO THE CONSTITUTION

The Constitution, once accepted as the official operating document of the Ocean Club Resort Residents Committee, can only be changed by a Motion put on notice for a Residents Meeting. That 'Notice of Motion' is to be discussed and any suggested amendments recorded. The Motion is to 'lay on the table' until the next scheduled Residents Meeting at which time the Motion may be finally discussed, amended and voted on for resolution.

All voting on the Constitution and Amendments must be carried by a majority of residents at a Residents Meeting and including eligible pre-poll votes.

## 20. CREATION OF STANDING RULES

Apart from original Standing Rules accepted at the time of ratification of the Constitution the following will apply:

When a Motion has been passed at a meeting on any subject pertaining to the operation of the Committee this creates the basis of a Standing Rule.

The Secretary is to use this information to prepare a draft Standing Rule to be voted for inclusion in the recorded Standing Rules at the next scheduled Residents Meeting.

A Standing Rule may be included in the Constitution by passing a Notice of Motion after the Standing Rule has been in effect for 6 months, i.e. 2 scheduled meetings.

Standing Rules may also be directly requested by Notice of Motion.

## 21. CHANGES TO STANDING RULES

Standing Rules can only be changed by a Motion put on notice for a Residents Meeting. That 'Notice of Motion' is to be discussed and voted on as per normal voting procedures.

## 22. ACCEPTANCE OF THE CONSTITUTION

This Constitution will take full effect from the time and date of acceptance of the final draft by the existing Committee. At that point in time the Committee will become the official forum of residents of the Resort and will operate under this Constitution.

All previous records, correspondence and any material belonging to the previous Committee will become the property of the Committee.

## 23. OTHER COMMITTEES

Section 101(1) of the Act states that no more than one Residents Committee can be established at any one time. However, the Act further states under Section 101(3) that residents may establish committees for other purposes, e.g. Social Committee, Bowls Committee etc

## ATTACHMENTS

Appendix A. Record of Amendments

Appendix B. Meeting Agenda

Appendix C. Committee Member Nomination Form

Appendix D & D(a) Pre-poll Voting Form

Appendix E. Voting Form

Appendix F. Notice of Motion

Appendix G. Motion from the Floor

Appendix H. Ocean Club Resort Resident's Proposal



## RECORD OF AMENDMENTS TO THE OCEAN CLUB RESORT RESIDENTS COMMITTEE CONSTITUTION

- | Amendment Number | Date.      | Amendment Description  |
|------------------|------------|--|
| 1.               | 25/8/2017. | Clause 4. Insert paragraph "The Committee shall report monthly on collective matters pertaining to Residents electronically or in a hard copy where residents do not have access to electronic facilities.   |
| 2.               | 25/8/2017  | Clause 5. Insert paragraphs "With the future growth of the Resort it may be necessary to address the Committee structure. Any future changes will necessitate a formal motion being put to the residents at that time in accordance with the Constitution." And<br>"Allowance needs to be made should the required number of the Committee members not be achieved, ie at least 3 members and not more than 5. In this instance a Special Meeting (Paragraph 10) may have to be convened with the existing Committee taking a caretaker role." |
| 3.               | 30/11/2018 | Clause 9. Amend wording to permit the February Quarterly Residents Meeting to be held first and the AGM to be held at the completion of this meeting.  |
| 4.               | 22/2/2019  | Clause 3. Be amended to read ".... forum for residents to present issues relevant to all residents and the lifestyle at the Resort and to consult with Management, and other outside organisations as may be required, on their behalf.  |

**RECORD OF AMENDMENTS TO THE OCEAN CLUB RESORT  
RESIDENTS COMMITTEE CONSTITUTION**

<b>Amendment Number</b>	<b>Date</b>	<b>Amendment Description</b>
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**OCEAN CLUB RESORT RESIDENTS COMMITTEE****Meeting Agenda**

All residents are invited to attend.

Meeting Time & Date:

Meeting Location:

Meeting opening & welcome - Chairman

Announcements & apologies - Chairman

Welcome to new residents - Chairman

Minutes of previous meeting - Secretary

Business arising from previous minutes - Chairman

Correspondence in - Secretary

Correspondence out - Secretary

Social Committee Report

Bowls Committee Report

Business arising from reports - Chairman

Business held over from previous meeting - Chairman

Motions on Notice - Chairman

Motions from the floor - Chairman

General Business - Chairman

Meeting close - Chairman

**OCEAN CLUB RESORT RESIDENTS MEETING**

**Nomination Form for Committee Member of the Residents Committee**

At the Election of Committee Members to be held on\_\_\_\_/\_\_\_\_/ \_\_\_\_

I wish to nominate \_\_\_\_\_  
(Name)

Nominated by \_\_\_\_\_  
(Name & Signature)

Seconded by \_\_\_\_\_  
(Name & Signature)

Nomination accepted by \_\_\_\_\_  
(Name & Signature)

**OCEAN CLUB RESORT RESIDENTS COMMITTEE**

**Pre-Poll Voting Form**

At the Election of The Residents Committee to be held on \_\_\_\_/\_\_\_\_/ \_\_\_\_

I \_\_\_\_\_ wish to vote for the following Nominations.  
(Name)

Nominee's Name: \_\_\_\_\_

Nominee's Name: \_\_\_\_\_

Nominees's Name: \_\_\_\_\_

Nominees's Name: \_\_\_\_\_

Nominees's Name: \_\_\_\_\_

I understand that the only nominations eligible for my pre-poll vote are those nominations posted on the notice board prior to the meeting.

Signed \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/ \_\_\_\_

**OCEAN CLUB RESORT RESIDENTS COMMITTEE**

**Pre-Poll Voting Form Motion on Notice**

At Residents Committee Meeting to be held on\_\_\_\_\_/\_\_\_\_/\_\_\_\_

I \_\_\_\_\_ wish to vote for the following  
Motion on Notice

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I understand that the only Motions on Notice eligible for my pre-poll vote are those motions posted on the notice board prior to the meeting.

Signed\_

Date \_\_/\_\_/\_\_\_\_

**OCEAN CLUB RESORT RESIDENTS COMMITTEE**

**Voting Form**

At the Election of The Residents Committee held on \_\_\_\_/\_\_\_\_/\_\_\_\_

I \_\_\_\_\_ wish to vote for the following Nominations.  
(Name)

Nominee's Name: \_\_\_\_\_

Nominee's Name: \_\_\_\_\_

Nominee's Name: \_\_\_\_\_

Nominee's Name: \_\_\_\_\_

Nominee's Name: \_\_\_\_\_

I understand that the only nominations eligible for my vote are those nominations posted on the notice board prior to the meeting.

Signed \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**OCEAN CLUB RESORT RESIDENTS MEETING**

**Notice of Motion**

At the Residents Meeting to be held on \_\_\_\_/\_\_\_\_/\_\_\_\_ I would like to propose a motion that:

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”

Motion moved by: \_\_\_\_\_  
(Name) (Signature)

Seconded by: \_\_\_\_\_  
(Name) (Signature)

This form must be lodged with the Residents Committee Secretary at least 72 hours before the scheduled meeting

**OCEAN CLUB RESORT RESIDENTS MEETING**

**Notice of Motion**

At the Residents Meeting to be held on \_\_\_\_/\_\_\_\_/\_\_\_\_ I would like to propose a motion that:

“

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”

Motion moved by: \_\_\_\_\_  
(Name) (Signature)

Seconded by: \_\_\_\_\_  
(Name) (Signature)



**OCEAN CLUB RESORT RESIDENTS MEETING**

**Motion from the Floor**

At the Residents Meeting being held today\_\_\_\_/\_\_\_\_/ \_\_\_\_

I would like to propose a motion that:

“ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_”

Motion moved by: \_\_\_\_\_  
(Name) (Signature)

Seconded by: \_\_\_\_\_  
(Name) (Signature)

This form must be lodged with the Residents Committee Secretary at the meeting.

This form must be lodged with the Residents Committee Secretary at least 72 hours before the scheduled meeting.

**OCEAN CLUB RESORT RESIDENT'S PROPOSAL**

Proposer' Name and House Number

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Date of Proposal 

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Suggestions Regarding Proposal 

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Costings (approximate and if available) 

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