MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF THE OWNERS-STRATA SCHEME 50785 HELD AT 1 McDONALD STREET CRONULLA AT 7.00 P.M. WEDNESDAY 24th November,2004.

Present: Mrs R Hoddinott,Mrs.S.Schembri & Ms Jean Healey(only until 7.20pm), and Messrs G.Bursill,D Solari, & G.Rennie.
Chairperson: Mr G Bursill.
Apologies Mr P Mahony & Mr C.Beebe(overseas).
In attendance Mr.F.Perri(Unit 77C)from 7.40pm.

MINUTES.

On a motion that the Minutes be received JH spoke on the resolution as it appears in the Minutes on page 1 under the heading "RESCISSION MOTION" and referred to that part of a document dated 23/09/04 headed "RESPONSE TO MINUTES OF EXECUTIVE MEETING 22/09/04 JEAN B HEALEY" as circularised to all EC Members as follows:

"i.Since the Caretaker guidelines were adopted at the May meeting it is the responsibility of the Secretary to provide reasons why they should not be displayed,rather than the security or house divisions being required to justify their display.It seems to be a reasonable and innocuous proposal.The resolution as worded needs to be rescinded and the following resolution is proposed:

"the guidelines adopted at the May meeting should be displayed unless the Secretary can provide reasoned evidence that they are unnecessary or intrusive"

DS stated he did not consider this as a proper request for a rescission motion to be placed on the Agenda.JH advised she objected to this not being on the Agenda & the Chairperson stated her objection would be recorded.After a point of order was taken that the matter to be voted on was whether the Minutes accurately reflected the resolution that was passed,this was put to the Meeting and **RESOLVED** that the resolution correctly recorded the resolution as passed.
At this point JH rose & after certain comments as to the manner in which the Committee was run & her intention to refer this to the Strata Titles Commissioner,left the Meeting The Meeting then continued.

RESOLVED the Minutes of meeting held on 22/09/04 be **received.**

RESOLVED the Minutes of the meeting of 22/09/04 above be **adopted.**

BUSINESS ARISING.

RESOLVED that the written report of the Secretary be received.

1.Bus. Aris.re rescission motion re Caretakers Guidelines-As no written report as resolved received
RESOLVED no action be taken in respect of these guidelines until the report is to hand & the matter then resubmitted for consideration by the EC. **[Action CB]**
2.Bus. Aris re letter to Northies of 24/05/04 as to use of Security Guards-In view of the comment of DS as to no written report other than a hearsay statement in Security Div.report,GR produsced a copy of certain e-mails between him & CB and also Northies
RESOLVED these e-mail copies be accepted as the written report on the discussions of GR with Northies & for record purposes a copy be attached to the Notice of Meeting. ……**[Action DS]**
3.Corro. item c)-As Australand cheque for $1200.00 to settle spa paint claim still not received.DS advised a phone enquiry yesterday indicated cheque should be in hand next week.
7..General Business(of which notice given).Emergency personal contact details form.As no report from the House & Security Divisions as resolved was received & as information becoming outdated due to delays in issue of forms & follow up of obtaining completed forms.
RESOLVED that GR be appointed to be in charge of the issue & subsequent collection & filing of these forms as well as the updating of the same since end of 2003 by reference to the Moving In/Out details in that binder. **[Action GR]**

Other General Business-new fax machine at a cost of $139.00(normal cost $179.00)purchased as well as a tall book shelf with adjustable shelving at a cost of $150.00.Both are now installed in the office.

TREASURER'S REPORT.

RESOLVED the Treasurer's written Report for the 8 months to 31/10/04 be received.

The Treasurer reported she was very happy with the way in which expenditure had been reduced in a number of areas indicating good management by all divisions and that the funds were quite healthy and should come in under budget.

CORRESPONDENCE.

As listed on the Agenda as follows:-

a)Letter of 27/09/04 AGL Energy Shop,Bondi Jcn. as to warranties on new gas hot water & spa pool heating systems,maintenance agreement cost & attaching cheque for $2,906.00 agreed compensation re faulty installation re hot water system;
RESOLVED accept service & maintenance arrangements costing $485.00 per quarter; **[Action DS]**

b)Letter of 01/10/04 Sandbar Restaurant as to repainting of planter boxes,garden bed action & garbage bins being stored in ground floor area behind elevator & acknowledgment of Secretary of 03/10/04-Refer to Restaurant Division section;

c)Letter of 21/10/04 of STM attaching letter of 14/10/04 from owner Unit 34C(Lot 62) as to approval to install air conditioner.Refer to Building Report of Secretary section;

d)Letter of 29/10/04 Unit 77C(Lot 105)to attend to water penetration of balcony tiles which have lifted-Refer to Building Report of Secretary section;and

e)Letter of 04/11/04 from Café Monz(Shop 4-Lot 2)re urgent action by Chairperson and Secretary re approvals to CP toilet use & alterations,alteration to kitchen exit door,shade installation & providing letter for liquor license application & response of 15/11/04 to Secretary's letter of 08/11/04 they not at present proceeding with these proposals-Refer to Restaurant Division Report section.

BUILDING SERVICES DIVISION.

a)Report of G.Bursill,Building Division Chairperson.

RESOLVED the written report of the Chairperson.be received.

a)Café Monz-DS has advised of requirements re toilets etc proposals-Refer Restaurant Division section;

b)Restaurant water cocks & meters-Rapid Plumbing say relocation impractical.Current locations have been approved.
RESOLVED no further action be taken;

c)Damage to main shutter door-STM dealing with insurance claim re this;

d)Fire alarm enunciator-Aquafire were given work order to proceed with additional cables for separation of restaurants in the future.
Late matter not listed on the Agenda.
Separate report distributed to EC members that due to frequent setting off of alarms in low rise & restaurants quote obtained urgently for a total of $17,830 + GST being an additional &10,400. for this separation board which will identify the restaurant setting poff the alarm;
RESOLVED quote be accepted for work to be done immediately; **[Action GB]**

e)A & B Block courtyard paving treatment-As current water diversion working satisfactorily, suggestion **a**ccepted it be left at this stage as treatment would become ongoing;

f)External spa resurfacing
RESOLVED this be left to end of swimming season; **[Action GB}**
g)Rust spot-repairs-Rocar Electric have completed this work;
h)Fire Service Report(Aquafire)QKB 6827-Aquafire to carry out items 1,2,3,4,7 &8.Quotes received from Aquafire & Rocar Electric for items 5 & 6 for$5,405.00 & $4,340.00 (Option C)respectively & both inclusive of GST discussed.
RESOLVED. quote of Rocar Electric FOR $4,340.00 be accepted; **[ActionGB]**
i)Fire Exit(B2) between Stonefish & Café Monz-To prevent illegal use of fire extinguisher to prop open that door & avoid recharging costs & as no further effect on the integrity of the security
RESOLVED we install door open device to this fire exit door & that quote of Aquafire for $979.00 incl GST be accepted; **[Action GB]**
j)C52 & C76 shower leaks-STM issued orders to do work(C76 known completed);&
k)Office(control room)Thanks to DS for setting up new filing shelving & fax .
Late Matters(not referred to in written Report attached to Agenda).
l)Replacement of fire door behind Hog's Breath parking & leading to stairs to courtyard-Door badly affected by water damage.Quote of Aquafire dated 12/11/04 for $800. + GST discussed;
RESOLVED quote be accepted & Rapid Plumbing attend to installation of guttering above door with pipe for water run-off; **[Action GB]**
m)Repair of another shower recess in Unit 76C(lot 104)Report & quote of Shower Repair Centre dated 11/11/04 for $595. incl GST received by STM discussed
RESOLVED to avoid subsequent problems quote be accepted; **[Action GB]**

b) Report of Secretary.

RESOLVED the written report of the Secretary be received.

a)Air Conditioner unit for Unit 34C(Lot 62).See item c) of Corro.-letter setting out conditions sent 25/10/04 & acceptance as signed received.Subsequent meeting with GB took place on 09/11/04 to specify location
RESOLVED approval be given on the conditions agreed to; **[Action GB]**
b)MDI Maintenance Agreement.Due to poor service,quote obtained by STM from Abel Doors for $1400. + GST per year-MDI have been paid $800. + GST unchanged since 1997.
RESOLVED GB to determine position re cancellation MDI contract & engage,at his discretion,a new firm if MDI contract cancellable or,if not,complain to MDI re service being given;**[Action GB]**
c)Water entry A & B Blocks-During recent rain builder able to determine problems re A9(insurance claim re inside damage) & B17 & repairs to B17 in hand;
d)Balcony tile problem Unit 77C(Lot 105)-Report indicates information obtained from original owner who had tiles installed by developer as part of contract to purchase unit,fresh information supplied by STM as to rulings of Commissioner for Strata Titles on liability of Owners Corporations for tiles etc as well as "wet" area definition in Australian Building Code.Other factors are also involved in support of refusing to do any work re these tiles.Letter given to owner as advance notice of this & for comments,if any,at Meeting or in writing if not attending Meeting.After discussion & Mr. Perri accepting the opportunity & addressing the Meeting
RESOLVED that a letter be sent to the Owners of Unit 77C(Lot 105)advising them that the Owners Corporation denies any liability in respect of any work,now or in the future,required to be done in relation to the balcony tiles. **[Action DS]**
e) Further Claims against Australand as follows:
i)Water entry Unit C73(Lot 101) July 17th & 18th,2004 and reimbursement for cost of eradicating balcony soffit rust spots-Various letters have passed between Australand's General Counsel and Secretary,the last being on the 15th instant when Australand faxed all the accounts for $11,888.72 incl. GST.Quote of Terry Overall Building P/L for $17,050.00 incl GST for Unit 73C work previously sent giving them the opportunity to do this work themselves which so far has been declined. If matter is not shortly resolved,the appropriate claim form will be lodged with the

Consumer Claims and Tenancy Tribunal as per the resolutions passed at last EC Meeting.As no other quote re work was received & as work is same as done previously by Australand

RESOLVED that GB be authorised to issue an order for Terry Overall Building P/L to carry out the work on Unit 73C in accordance with its quote and that he have a discretion as to arranging any necessary painting work associated with this work; **[Action GB]**

ii)Water entry Unit 70C-On 02/11/04 we had very strong wind from the east accompanied by rain.A small amount of water appeared in the internal channels of the lounge room door.Work was done to replace the main bedroom doors early in 2002 as well as the 2nd bedroom windows in this Unit and that was the first occasion water entry in the lounge room had been reported.After discussion

RESOLVED,unless Australand capitulate on Unit 73C,nothing be done about this water entry as appears to be as a result of unique,and perhaps never to be repeated,circumstances;

f)Pump replacements.On 12/11/04 one of the pumps from the pool equipment room had failed and the cost of repairs was almost the cost of a new pump & DS authorised a new pump be purchased.On 17/11/04 Enertec attended and advised one of the 2 cold water pumps in the Plant room failed & was not repairable.Again DS authorised a new pump to be installed that day as if the other failed there would be no cold water pressure in Tower units.

. **RESOLVED** actions of DS be confirmed. [**Action RH & GB]**

Late matter(included in subsequent circularised written Report of 19/11/04)

g)Recovery of cost of recharging fire extinguisher B2-E-mails CB to STM of 06/10/04 to charge this to Café Monz as acknowledged by STM,copy letter STM to Café Monz,copy letter 08/10/04 STM to Café Monz accordingly,reply of W.Harkin of 13/10/04 denying setting off extinguisher memo DS to GB as to matter,e-mail GB to CB of 27/10/04& e-mail response of CB of 26/10/04(UK time).

RESOLVED that STM be advised to notify Café Monz any charge for the recent cost of recharging the fire extinguisher as referred to in STM's letter to Café Monz dated 08/10/04 will not be pursued. **[Action DS]**

HOUSE AND GARDEN

RESOLVED written report of Chairperson be received.

i)Florascapes working well-irrigation system problems being resolved-front entry garden refurbished & pleasing comments from residents received;

ii)Suggestions called for by EC Members as to types of plants for large garden near pool to finalise proposal.Quote for $6800.(incl GST)discussed.As it was generally felt that further details were required & the real priority was the finalisation of the conversion of the automatic sprinkler system to the drip system

RESOLVED the work on this garden be deferred until further details of the work to be done are supplied with a quote & that Florascopes submit a quote to finalise the conversion of the automatic sprinkler system to the drip system and GB & SS empowered to accept the quote,if reasonable,& have the work done urgently; **[Action SS & GB]**

iii)B14 garden-One quote rec'd,$750. incl GST,from Florascapes discuused & considered too high due to mature plants being supplied & not considered necessary

RESOLVED the cost of this work be limited to a maximum of $450.& as the garden is within Unit 14(Lot 14),DS be advised when work done for a letter to be sent to the owners to advise future care of this garden now their responsibility; **[Action SS &DS]**

iv)Maintenance proposal of Florascapes of approx $1287. per month was discussed.Questions arose as to whether some services were required weekly.Also at present Florascapes involved in additional work due to failures of prior gardeners to carry out their duties

RESOLVED to defer acceptance of maintenance arrangement & to monitor position until next EC Meeting pending which current arrangement of do & charge,as monitored,to continue**;[Action SS]**

House.

v)Weekend cleaning problems referred to re non attendance last weekend of assigned person-See also Secretary's Report under General Bus & his recommendations;&

v)Directory Board-Recommended to avoid problems experienced locating the floor on which units are located,a directory board indicating this be located in the foyer between the lifts.
RESOLVED this be proceeded with; **[Action GB & DS]**

Additional item as per report of G.Rennie.

Proposal of Workout World as to replacement gym equipment attached for discussion.
RESOLVED this be proceeded with on the basis of a 5 year lease term,payments 3 monthly in advance and a residual of $1500. at end of 5 years; **[Action GR & RH]**

Late matter not included in Agenda

SS advised that several residents had commented on the paintwork in the main entrance to the Tower and it appeared it needed painting after being cleaned off
RESOLVED that a quote be obtained for consideration at the next Meeting. **[Action SS]**

SECURITY DIVISION REPORT.

1)Elvox intercom spare parts stock to hold on site have been ordered;
2)Following complaints from A4 & A9 as to unreliable unlocking of Gerrale St. gate,panel removed 08/11/04 & again returned to Elvox for repair.System at present working with clear video & unlocking reliability;
3)DS reported WZ as suggesting D.Smith of FFF Communications as an alternate contractor.PM may report to Meeting on his suitability & other possible additional contractors.GR reported as to enquiries made by him & that ESP Security Systems were very acquainted with the Elvox system & would charge $80. per call which includes the first half hour of labour
RESOLVED Approved Communications be replaced by ESP at this stage & on trial to service intercom etc system. **[Action CB & GR]**
4)GR met with Northies re security patrols-they did not agree to our call out facilitiy proposals.GR,if required,to report more fully at EC Meeting-Refer item 2 of Busubess Arising for report of GR;
5)Door hold open device between Stonefish & Café Monz agreed as to not directly reducing security as it is an internal door.Assurance still needed for staff to accompany patrons to toilets.May be a change needed if Café Monz proceed with toilet modifications as access then available to secured garage area from hallway.DS requested it be noted this action in supervising patrons using toilet a Security Division & not a Restaurant Division matter. **[Action CB]**

RESTAURANT DIVISION REPORT.

a)Sandbar proposals re painting planter box,refurbishing gardens in same & new location for garbage bins-Letter,item b)in Corro,referred to as well as short reply of Secretary.Background referred to..
RESOLVED Sandbar be advised painting to await painting of low rise unless Sandbar do it at their own cost,garden not at present a priority & relocating garbage bins not agreed to**;** **[Action DS]**
b)Café Monz requests re use B2 CP toilets,awning & kitchen exit door.History of matter given as well as now letter of 15/11/04 as to Restaurateurs not proceeding with proposal at this stage.
RESOLVED terms of reply to Café Monz of 08/11/04 be confirmed & Café Monz be advised any further action only to be taken by EC when full & detailed plans & proposals supplied; **[Action DS]**
c)Stonefish employees smoking & eating on CP & finishing of garden area.Memo given to Stonefish on 01/11/04 re these & door hold open proposal re access to B2. Further garden work done by timber now covering of small garden area
d)Sale di Mare now Opah Restaurant(R3-Lot 21)-Gary Macris took over 01/11/04. Restaurant now named Opah Greek Yum Cha Restaurant.Refurbishment done by him & reported loose railings authorised by DS to be fixed as dangerous.He to repaint exterior lift tower with designated paint.
RESOLVED confirm approval given for further permanent umbrella shade outside main entrance doors being bolted to balcony floor.

GENERAL BUSINESS(of which notice has been given):

RESOLVED written report of Secretary be received:

a)Unit C36(Lot 64) Parking problems.Correspondence attached indicates continued breaches in Visitor's parking area & ignoring written requests to desist.

RESOLVED

i)That a Notice to Comply be issued,should a further breach occurs,as the Owners of Strata Scheme 50785 have formed the opinion that the occupier of Unit 36C(Lot 64)has parked a motor vehicle on common property without the written approval of the Owners Corporation;& **[Action DS]**

ii)That should the occupiers of Unit 36C continue in the failure to observe the parking notices on common property,the grey keys issued to that Unit be decoded to prevent access to the amenities block and adjoining bar-b-q facilities until the EC is satisfied of future observance of these requirements by the occupiers; **[Action CB]**

b)Unit 19C(Lot 42)noise & other problems-History given and hopefully all to be resolved on tenant vacating on lease expiry on 06/12/04.Unit currently up for sale;

c)Payment of Unit Levies-Complaints made to STM as to continued failure,on Levy Notices,to advise owners of possible charges when certain payment methods used & also late issue of Notices contrary to them being sent out early in the month before the due date as agreed when discount was introduced.STM has agreed to correct these problems;

d)Cleaning Contract.-Sunday 14/11/04 failure to have person here detailed as well as subsequent discussions with WZ of Zenari's Maintenance Service P/L("WZ").

RESOLVED. that $180. be deducted from Nov. account.WZ also to be advised if any further failures to attend or complaints re weekend & other cleaning,as well as failure to attend to supervision as per the second item 3 in letter to it of 16/03/04,GB,DS & SS have authority to cancel contract & engage another cleaning contractor; **[Action RH & DS]**

e)Reports for & compliance with resolutions of EC Meetings.

DS reported due to the considerable amount of time involved in having the Agenda ready for distribution by at least the Friday prior to the meeting,if reports are received right on or after the deadline,it leaves little time to summarise these in the Agenda.In addition there are always last minute matters to be included in the Agenda thus again restricting the time available to complete it in time.As well as these matters,it is dependent as to the contents of Reports as to matters DS needs to refer to in his Reports.Furthermore,it is apparent that EC Members do not refer to the Minutes to carry out resolutions that are passed and against which their initials appear as a reminder.If an EC Member does not carry out these duties,this pushes t workload onto those doing their job.His proposals are,subject to any directions,from,time to time,from the EC to the contrary:

i)to require reports to be in his possession by 5pm on the Friday,12 days before the relevant EC Meeting.Any **genuine late matter**,as is now the position,can be the subject of a late written report if time permits or otherwise a verbal report to the meeting.This will not apply to the Treasurer's report as this is dependent on receipt of relevant information from STM;and

ii)when a matter assigned to an EC Member has not been attended to or no report requested in a resolution has been received,to have that item assigned elsewhere or deleted from a reference in any Agenda for a subsequent EC Meeting until there has been compliance with the relevant resolution.

OTHER GENERAL BUSINESS.

DS confirmed each EC Member had been supplied with a copy of his draft of the consolidated By-laws & he was hoping that GB,SS &CB would work through these with him to put them then before the next EC Meeting & thereafter to the AGM.Written comments from other EC Members would also be appreciated.

Next Meeting: Wednesday 2nd February,2005.
Meeting Closed:10.40pm

President

Prepared:26/11/04.