MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF THE OWNERS-STRATA SCHEME 50785 HELD AT 1 McDONALD STREET CRONULLA AT 7.00 P.M. WEDNESDAY 22nd September,2004.

Present: Mrs R Hoddinott,Mrs.S.Schembri & Ms Jean Healey,Messrs G Bursill,D Solari, P.Mahony& G.Rennie.

Chairperson: Mr G Bursill.

Apologies Mr C Beebe-Mr.G.Bursill appointed his proxy to read out written comments he had from C.Beebe on items in the Agenda.

In attendance Mr.F.Perri(Unit 77C).

MINUTES

RESOLVED the Minutes of meeting held on 14/07/04 be **received.**

RESOLVED the Minutes be clarified as follows:.

The direction to CB for all his communications to be directed to the Chairperson for passing on to other EC Members what he considers to be matters requiring their attention,does not prevent CB communicating with other Members of the EC provided he adheres to the function division guidelines..

[Action CB]

RESOLVED the Minutes of the meeting of 14/07/04 as clarified above be **adopted**.

RESCISSION MOTION

In view of the absence of CB & advice of the meeting as required by the Meeting of 22/09/03 having now been held to discuss the proposed Caretaker Guidelines

RESOLVED this rescission motion be deferred for consideration at the next meeting when a written report of the meeting recently held to discuss the same,setting out reasons for the need for each guideline is to be presented for consideration. **[Action CB]**

BUSINESS ARISING

RESOLVED that the written report of the Secretary be received.

b)Lift assessment report-The Secretary advised he had today received confirmation from STM of the registration of all 3 lifts with WorkCover for O.H. & S purposes as well as copies of compliance statements of both lift maintenance contractors as filed with WorkCover.

Re letter to Northies of 24/05/04 as to use of Security Guards-No report was available as to CB having chased up a response to this letter although EC members confirmed each had received advice on several occasions of our premises being checked by the Security guards & GR advised he believed a reply would be forthcoming.Report required at next meeting **[Action CB]**

TREASURER'S REPORT

RESOLVED the Treasurer's written Report for the 7 months to 30/09/04 be **received.**

The Treasurer reported there were still problems & therefore delays in approving payment of accounts due to lateness of receipt from STM as well as verification from Chairpersons of the Divisions responsible for incurring the expenditure.As she is to spend time at the office of STM before the next Meeting ,she will,in the meantime,when each end of the month accounts are received,meet with each Chairperson to have payments verified. **[Action RH]**

The Secretary reported on minor problems with STM as to advice to confirm collection of moving fees,identifying units on which work was done as well as listing disbursements on its monthly Status Reports etc & letter sent on 13/09/04 to STM on some of these matters.

CORRESPONDENCE

As listed on the Agenda as follows:-

a)Sutherland Council letter of 19/07/04 re tile band repair in drive way by concrete strip-
RESOLVED as the cold tar repairs work done 2 months ago had proved satisfactory to date,the position is to be monitored before any other repair work is carried out;

b)Sutherland Council letter of 01/09/04 refusing speed calming device in Gerrale St-Agreed no further action can be taken at this stage;

c)Certificate of Currency of CHU for all policies for year from 11/12/03-Noted;

d)Australand letter to settle external spa paint claim for $1200.00-
RESOLVED to accept offer & to authorise execution of Deed releasing Australand from future claims re paint failure. **[Action DS]**

e)Letter Unit 23C(Lot 51)re approval in principle to garage extension into common property-
RESOLVED approval granted subject to plan & specifications being submitted & being to the EC's satisfaction & the necessary By-law being passed at the next General Meeting. **[Action GB]**

Correspondence received after Agenda issued as follows:

f)Letter of W & L Harkin(Café Monz)re alterations to & use of B2 CP toilets & erection of shade over outdoor exclusive use eating area-GB reported on on-site discussions as to toilets.As a result of a lengthy discussion
RESOLVED as follows as to the matters raised:

i)Toilets-The proposed new entrances to each toilet & restaurant rear door would be given further consideration if the following conditions were met:

A)Exclusive use will not be granted as use by owners must be retained;
B)A proper plan & specification for all work is to be approved of by the EC & all work carried out by competent tradespersons in compliance with all building regulations & to the satisfaction of the EC;
C)The toilets are to be fitted with nib indicator locks on the new external doors and deadlocks on the existing doors to prevent exit from the toilets without a key & to permit access through these doors by other owners & keyed alike with the key used by other owners to gain access to B2 from the courtyard area & the area in front of the restaurants;
D)The Restaurateur shall ensure that no person gaining access through the restaurant to use the toilets is permitted to enter any other part of the common property and shall indemnify the Owners Corporation in respect of any claim arising from a breach of this condition;
E)All costs incurred in respect of all of the above as well as in the subsequent future maintenance and cleaning of the toilets are to be met by the Restaurateur;
F)In the event of any breach of the above conditions the Restaurateur will be required to restore the toilet facilities to their now current condition at the cost of the Restaurateur;
G)Whilst all the above conditions are observed,the Owners Corporation will assist the Restaurateur in obtaining & maintaining a liquor licence for the Restaurant in relation to toilet requirements in respect of any such licence;and
H)In the event of any transfer of ownership of the Restaurant business,the new owner shall,in writing, acknowledge agreement to all of the above conditions failing which the outgoing owner shall carry out in a proper manner,at his own expense,the work required to restore the toilet facilities to their now current condition. **[Action GB[]**

ii)Entrance door problem-to be attended to **[Action GB]**

iii)Shading in & defining outdoor exclusive use outdoor eating area-DS to confer with Hog's Breath & Cafe Monz to report back on these matters. **[Action DS]**

Note:At this stage Mr.P Mahony left the Meeting & did not return.

g)E-mail of 20/09/04 Unit 10A(lot 18) re garage entry without authority re electrical work by Stonefish & relocating water cock for that restaurant as now located in that garage-
RESOLVED,in discussing this with item c) of the Restaurant Division Report,as follows
a)that Rapid Plumbing be engaged to investigate & quote on providing water cocks where required accessible in the common property where access to them is now required through a garage not part of the restaurant lot to which the water service is connected; **[Action GB]**
b)a reply be sent to the e-mail to advise of this & that the other matters raised should be resolved with the Restaurateur of Stonefish; **[Action DS]**
h)Letter of Stonefish Restaurant of 20/09/04 re damage to B2 entrance grill-The Secretary advised of the damage & a report as to cost was awaited This letter was provided when a phone call was received from the Restaurateur early Monday to report the damage & action taken by the Restaurateur when damage occurred to manually open door to prevent inconvenience to B2 garage occupiers;
RESOLVED matter to be referred to STM re insurance claim when report as to repair work received & work order for it sent to STM;. ` **[Action GB]**
i)Letter Unit 54c re noise complaint-As insufficient evidence to take action
RESOLVED reply be sent to advise complainant of this; **[Action DS]**
j)E-mail STM of 22/09/04 re complaint by Unit 11C-Discussed in conjunction with Item e) of "General Business(of which notice given)"re conduct of occupants of Unit 19C;
RESOLVED a letter be sent to View Beachside Real Estate to advise of this complaint & that if no action taken on this & tenant still not cleaned up paint & grease mess on B2 & grease mess in Visitors'parking all by 02/10/04,letter to owner to advise of concern of EC of conduct of tenant & for action to terminate tenancy & 11C to be notified of referral of noise complaint` **[Action DS]**

BUILDING SERVICES DIVISION

a)Report of G Bursill,Building Division Chairperson.

RESOLVED the written report of GB,the Chairperson.be received.

The report was then discussed as follows:
1)Aquafire quote of $6,980.00 plus GST for alarm indication proposal re A & B Blocks-
RESOLVED quote be accepted &,on recommendation of GB,approval given to cover additional cost for cabling of greater capacity for future provision,if decided on,for individual restaurant identification for the 5 restaurants not now being separately identified; **[Action GB]**
2)External spa(coating)-See Correspondence item d);
3)A2 & adjacent garages & driveway-appears to be working well after completion of work except for some minor sealing;
4)A & B courtyards waterproofing treatment-Still being discussed with contractor as to products being trialed; . **[Action GB]**
5)A & B Block intercom-Rocar Electric have completed preventative maintenance See also Security Report;
6)Spa Repairs Internal spa repairs completed.A leak was reported last week in one of the 2 external spa Rinai heaters & last week a part ordered.A Rinai serviceman was there today to fix it & discovered the other heater was not working.He advised Matt Clifton the units were fitted too high above the tanks by AGL & was contacting them to come out & properly install them; **[Action GB]**
7)Driveway tiles-See Correspondence item a) above;
8)Rust spot rectification-Work almost completed;&
9)C52 & C76 shower leaks-2 quotes for each attached from firms recommended by STM
RESOLVED a letter be sent to T Foreshew of STM for him to select the repairer at his discretion and he to send us a copy of the Work Order issued for this work. **[Action DS & STM]**

b)Secretary's Building Report

RESOLVED the written report of the Secretary be received.

i)Repainting external spa-See Correspondence item d);

ii)Further claims against Australand re Unit 73C & for rust spot eradication-After a consideration of the Report on both these claims
RESOLVED
a)Re Unit C73(Lot 101)-In the event of Australand failing to agree to carry out the necessary work (i)quotes be obtained to carry out work on Unit C73(lot 101)similar to the work done for the replacement of windows and balcony doors as carried out by Australand on other units in 2002 and,as the Owners Corporation is responsible for this work,it be carried out at a cost and by a Contractor acceptable to Geoff Bursill;and
(ii)Denis Solari is hereby authorised to proceed with a claim in the Consumer Claims etc.Tribunal for the reimbursement of such costs and to represent the Owners Corporation in any such claim and proceedings arising therefrom;and
b)Re rust spot eradication.In the event of any reply from Australand not being acceptable to Geoff Bursill and Denis Solari for reimbursement of the whole or part of the amount paid to Rocar Electric Pty Ltd for this work,clause a)(ii) above shall also apply to a claim for such recovery and for both claims to proceed together. **[Action GB & DS]**

iii)Gas hot water costs(Tower units only)-To confirm informal vote of EC Members based on offer of AGL Bondi Living Energy Shop as per report of DS of 13/08/04
RESOLVED that we confirm the action in accepting of the offer of AGL Living Legend Shop Bondi to pay $2,906.00 in full settlement of our claim for increased hot water charges due to the fault in setting the thermostat correctly when that Company installed the new Tower hot water system in April,2003.
DS reported cheque,warranty details & service agreement delayed due to illness of principal of AGL Bondi but expected shortly **[Action DS]**

iv)Water damage Units B17 & B18-Cause of flooding repaired as was carpet for B18.Awaiting submission of insurance claim for replacement of carpet in living room & hall in B17**. [Action DS]**

HOUSE & GARDEN

RESOLVED the written report of the Chairperson be received.

1)Walk around with Matt Clifton –all cleaning etc.appears in good order;

2)Parking in Visitors' car park problems-A general discussion took place.DS reported on similar difficulties in many unit blocks as reported in a Dept. of Fair Trading Publication he had just received and relating to matters being looked at in the amendments to the Strata Management Act.We can only continue hitting vehicles with "Warning Notices";

3)B14 garden-All work done & garden restored.DS advised the garden repaired by replacing the membrane was actually part of the lot for Unit B14 & therefore its responsibility.However the water entry was found to emanate from the adjacent common property garden with the water going around the perimeter wall of the B14 garden area & therefore the responsibility of the OC;

4)Garden changes & contractor change.DS reported that,at the request of SS,he had on 08/09/04 sent a letter to Peter Chia of Yellambie Landscapes("PC") terminating his services due to failure to

comply with his specified duties as well as his failure to return phone calls of SS since March.To quickly proceed with the work suggested by Mr.Dean Cox("DC")of Florascapes & agreed to by the meeting of SS,RH,GR and the wife of GR,as per the subsequent quote SS received and to confirm the informal vote of a majority of the EC Members agreeing to this quote

RESOLVED

i)the actions of SS & her acceptance of the quote of DC of Florascapes for $1.270.00 be confirmed;
ii)that installation of the drip watering system in all gardens be completed as soon as possible;
iii)that SS and her sub-committee examine the quote of $6,800.00 for the refurbishment of the garden area on the north side of the pool and accept it if in order and as well examine the quote for $1.287.00 per month for regular maintenance,comparing what this covers in comparison with the detailed work specification of Yellambie Landscapes,& report back to the next meeting on this; **[Action SS]**

5)Gym equipment-GR reported on the result of some enquiries as to leasing on a fully maintained & replacement basis of all equipment used in the gym to replace current equipment which is quite old & becoming expensive to maintain.However there were questions raised as to the maintenance agreement as well as an alternative to a lease with the right of purchase at the end of the lease **RESOLVED** GR further investigate & provide a written report on alternative lease arrangements available. **[Action GR]**

SECURITY DIVISION

RESOLVED report of the Chairperson be received.

His opening paragraph comment-After discussion,agreed it should be noted that the material to be included in the Agenda is required to be dealt with by the Secretary in accordance with clause 6(2) of Part 2 of Schedule 3 the Strata Schemes Management Act requiring a "**detailed Agenda**"to accompany the Notice of Meeting.Obviously serious security matters such as camera locations etc would not be specifically revealed;

1)Intercom system for A Block-Preventative maintenance completed by Rocar Electric at a cost of $882.09 with no reports of faults from residents to date;

2)Gerrale St.entry camera-Flickering reported & possibly due to temporary panel still in use.This panel is expected to be replaced with the permanent panel this week by Approved Communications when problems with C36 & C61 are to be attended to; **[Action CB]**

3)Cat burglar entry to 3 upper level units-Reported to police who advised one criminal suspected of this & other similar entries in the Shire.Police had attended to a letter drop.Recommendation for the Police Notice to be placed on Notice Boards outside lifts was put to meeting as a resolution and lost as all residents would have received a copy & these.Notice Boards only to be used for emergencies;

4)Ford sedan STI351 in Visitors' parking-As a result of approach to Cronulla Police,associated residents moved this on 11/09/04 to McDonald St. cul-de-sac where it had been ticketed.(See also page 2 of report of Secretary of "General Business(of which notice given)"for update);

5)New design parking stickers-To be fluoro orange & have been ordered.Only one per vehicle to be used as otherwise wasteful & cause aggravation. **[Action CB]**

6)Defecation inside spa-Audit trail as produced insufficient to prove culprit & on advice of DS no further action is possible as strict proof would be required;

7)Emergency contact form-As there was no follow up to an e-mail of 22/07/04 from CB to

Chairperson re intention to move a rescission motion on this motion as passed on 14/07/04 matter not able to be discussed until a formal rescission notice is lodged;and

8)Thanks to GR & PM-for attention to matters during his time working overseas.

DS commented as follows:
a)There was no report as to the availability of a"suitable stock of spares on site to enable prompt replacement of equipment requiring service or renewal" as resolved on 14/07/04 & as,RG had no knowledge of this,a report on this should be provided to the next Meeting; **[Action CB]**
b)Report of Approved Communications of 16/06/04-DS advised his research of the accounts of this firm for the prior 18 months did not support the nature of the problems the Report refers to.Futhermore statements in the Report as to atmospheric conditions,possibility of water entry etc were not borne out by Rocar Electric in the preventative maintenance work done to supposedly correct these problems In addition,as to paragraph no.2 above,the original panel removed about February,2004 to be refurbished has still not been returned.The service of this firm appears to be unreliable & expensive as a result **RESOLVED** that the Security Division investigate & report back on the availability of alternative service companies to be engaged to replace Approved Communications. **[Action CB]**

RESTAURANT DIVISION REPORT

RESOLVED the written report of the Chairperson be received.

a)Sale di Mare(R3-Lot 21)-After discussing the report as to loud music etc
RESOLVED as Special resolutions as follows:
i)That the Owners of Strata Plan 50785 have formed the opinion that the Authorised User of Restaurant R3 being Lot 21 in Strata Plan No. 50785 has failed to comply with a condition of the consent of Sutherland Shire Council to the use of the open area,for which such lot has exclusive use,in failing to comply with the hours of operation of such outdoor area."(Special By-law 21-Regd.No.2372187);&
ii)That the Owners of Strata Plan 50785 have formed the opinion that the occupier of Restaurant R3 being Lot 21 in Strata Plan No. 50785,a commercial lot,has permitted the creation of noise from equipment installed in the lot and the open area,for which such lot has exclusive use,that is audible within any residential lot between the hours of 9.30 pm to 8.00 am on Saturday,Sunday or a public holiday."(Special By-law 14-Regd.No. 2372186). **[Action DS & STM]**
Proposed Special resolution ii) on the Agenda as to removal of tables,chairs & other items at close of business each day was discussed but not passed at this stage but to be looked at in the future if further problems arise.

b)Smell in building-Grease trap clearances.
A copy of the Report of DS dated 13/08/04 was discussed.DS reported there had been a delay in Hog's Breath in only early last week distributing the Transporter forms & he was aware as at today,they had not been collected.He is now to speak to Cleanaway on this.However as it was still in order the EC **RESOLVED**A grey key limited to gaining access to garage area B2 be provided to Cleanaway subject all 7 Restaurants having signed the appropriate form to notify Sydney Water of the appointment of that Company as its contractor. **[Action DS]**

c)Relocation of restaurant water cocks now in private garages-See item g) of Correspondence for resolution passed on this.

GENERAL BUSINESS(of which notice given)

RESOLVED the report of the Secretary be received.

a)Emergency personal contact details form-In a discussion on the persons to attend to this and as it involved forms to new occupants relating to House & Security Divisions,the Meeting suggested these 2 Divisions report back to the next Meeting as to a proposal as to distribution & more importantly the follow up needed to have the form completed,returned & filed; **[Action CB & SS]**

b)Dangerous access to Gerrale St-See item d) of Correspondence;

c)Methods of payment of Unit levies-Any further action to await receipt of new format;

d)Foxtel digital connection & amendments to Strata Title legislation-As to Foxtel,position is still months away & article in CHU "Common Ground" publication attached to Agenda warns of cost factors involved.As to the amending legislation.whilst it has passed through State Parliament,it has not yet been proclaimed to commence.Submissions on it closed last Friday.We are still going to face the problem of being classified as a "large scheme" & have to face far more onerous conditions than now;

e)Unit 19C(Lot 47)-The report on this was previously discussed & resolved in respect of Correspondence item j).

OTHER GENERAL BUSINESS.

The Secretary reported on the need for a larger book case in the office to replace the smaller one there and the need to make room for it.He also advised we need to update the phone/fax
RESOLVED that GB & DS purchase a larger book case & new phone fax and make any arrangements for the location of the larger book case as they deem necessary. **[Action GB & DS]**

Next Meeting: Wednesday,24th November,2004.

Meeting closed 11.15pm.

Chairperson.

Prepared:24/09/04.