NOTICE of MEETING.

NOTICE IS HEREBY GIVEN that a meeting of the **EXECUTIVE COMMITTEE** of the **OWNERS-STRATA SCHEME No. 50785** will be held in the Cote d'Azur Gymnasium at **7p.m. on WEDNESDAY, 23rd November.2005.**

AGENDA.

Note: Abbreviations used as follows: G.Bursill-GB; D.Solari-DS; R.Hoddinott-RH; S.Schembri-SS; S.Carruthers-SC; B.Perkins-BP; C.Beebe-CB; G.Rennie-GR; P.Mahoney-PM; Owners Corporation-OC; Executive Committee-EC; Strata Titles Management-STM.

1. Apologies.
2. Receipt of the Minutes of the Meeting of 20/07/05.
3. Adoption of those Minutes.
4. Business arising other than reported in the Reports referred to in this Agenda.
   a) Fitting of aluminium strips to edges of unit entrance doors on levels 7, 8 & 9 where lifting was occurring has been successfully attended to;
   b) Quote of M & R to install drip garden irrigation system approved by GB, DS & SS & work order issued
5. Correspondence:
   a) Letter 01/09/05 Unit A8 that GIO contents policy covers floating floorboards;
   b) Letter undated Unit A11 for approval re Luxaflex retractable awning;
   c) Letter STM of 26/09/05 Michael Price replacing T Foreshew to manage our affairs;
   d) Detailed plan re awnings approval requested for balcony areas of Opah (Lot 21) restaurant-further details requested 13/10/05 & some details received 11/11/05;
   e) Letter 27/10/05 Unit B18 for approval re Luxaflex foldaway awning east side;
   f) Letter 30/10/05 Unit 45C for approval to Aluxor drop down balcony awning to part of balcony to balcony rail height and at outer edge of balcony;
   g) Letter 04/11/05 Unit A4 as to state of stairway between Stonefish & Café Monz & rubbish and smell in disabled car space behind Oceanna on B2;
   h) Letter 04/11/05 Solicitors for F & G Perri, Unit 77C to enclose copy acoustic report of PKA Acoustic Consulting re noise from plant room-See Building Report of DS.
   i) Letter 08/11/05 Solicitor for F & G Perri, Unit 77C, objecting to decoding of key re access to Amenities area, suggesting EC has no power to do so & making allegations DS stated at AGM Mr. Perri not a "fit & proper person", alleging delays in dealing with their complaints as well as preliminary reply of DS re he stating at AGM there would be a "conflict of interest" if Mr. Perri on EC, any delays were on their part & further reply to be sent after this meeting; and
   j) Letter 09/11/05 STM as to its policy in obtaining valuations for insurance purposes each 3 years instead of the required 5 years.
6. Treasurer's Report (BP-Acting Treasurer).
   a) Balances as at 02/11/05 of Funds- Admin $183,103.85 Sinking $403,213 .84 Cash at Bank $110,943.53 Investment A/c No. 2 $466,160.73;
   b) RH & BP agree BP to act as Treasurer until end financial year; and
   c) Question arises re faxing work orders to STM & supplier causing confusion when STM then also fax supplier & quote a different order no. than us. Discussed with STM who quite happy not to contact supplier but still do checks on supplier to ensure properly licensed etc. if written instruction received from us to that effect. Recommended we issue such a written instruction.
7. Building Division Reports:
   Chairperson (GB).
   a) Aquafire installed stop valves on pipe below pool to isolate pool to facilitate pipe repairs without entering pool and blocking outlet drains to stop pool emptying;
   b) A & B Block intercom entry system replaced & working successfully;
   c) Fire damper inspection completed by Enertec to cover next 5 years;
   d) Door foyer to loading dock passageway reversed to avoid problem re C3 entry door;
   e) Failure of external spa surface finish notified to installer under 10 year guarantee;

f) Barclay TV Aerial Services have installed new roof aerial & additional amplifiers on various floors to successfully improve TV reception at a cost of $3,300.00;
g) Able doors now maintenance contractor for main garage entrance doors instead of MDI & replaced B2 entrance door from B1 due to it failing;
h) Due to failure in g) above, quotes received to relocate control box for easy access;
i) Exhaust control box for B2 rusted out-quotes received and work order issued;
j) SS, DS & GB inspected external painting in McDonald St.-quotes requested to repaint from main entrance east to next corner east & replace light fittings there;
k) Podium bollards appear successful to deter skate board riders at front entrance;

Secretary (DS).

a) Enertec account for fire damper inspections challenged on 26/09/05, reply dated 31/10/05 received & replied to by letter of 03/11/05 –answer now awaited;
b) Enertec Maintenance Agreement being renegotiated & reply to our letter of 03/11/05 awaited as to a dispute as to its suggested annual fee;
c) Claim accepted by Enertec for repairs etc re water damage on 23/09/05 in Unit 73C when air conditioner not turned off after serviced on 21/09/05 & owner overseas;
d) As to correspondence item 6 h), DS produced draft reply for approval in which it pointed out OC only required to repair, replace & maintain, NOT alter building, noise factors exaggerated as just above whisper level & perhaps they should get a decibel reading on unit's music level of about 3 or 4 times this, air conditioning unit owners' responsibility as 2 motors changed without EC approval & further surveys requested in report should be obtained for proper consideration by EC.

8. House and Garden.-Report of SS.

Garden:

a) Council trees collected & growing-2007 more publicity for owners' tree vouchers;
b) Thanks to mother of GB for donation of various shrubs, some in huge pots;
c) Florascapes have gardens well in hand & are giving good advice & are within budget;
d) M&R just commenced installing drip irrigation & working in well with Florascapes;
e) Residents requested not to throw items from balconies on to gardens & courtyards;

House:

f) Quotes for some external painting work in McDonald St. received & accepted;
g) Blind & awning colours should be off white & still need EC written approval; &
h) At a loss for words at hours needed to look after Cote-many thanks to a couple of EC Members for this-you know who they are- to make Cote safe & secure.

9. Security Report of CB:

Quote of $5,785.00 + GST from Siemens for striker plate for entry to pool area less $2,100.00. if coring & cabling otherwise done by us. Locksmith costs also excluded from quote. Colorfen yet to supply quote. Comments made as to height of pool fence being increased as alternative on which GB suggested stainless steel cabling & quotes awaited.

10. Restaurants:

a) Hog's Breath roof exhaust smoke emission complaint being attended to;
b) Café Monz still to supply Emergency contact details;
c) Stonefish to attend to roof exhaust smoke emission problem & agrees recycling collection arrangements a problem;
d) Bella Costa has new owners-Emergency contact details awaited;
e) Sandbar advised writing on glass on balconies not permitted;
f) Opah signage to be reviewed after X'mas; and
g) Recycling area B2-Huge problems re glass collection, tidiness etc-should be closed off- proposal postponed to after Xmas-each restaurant's bins kept in own garage. Comments of DS on this being done after next bottle clearance as well as cessation of use of disabled car space on B2 for storage of garbage bins & anything else.
Note: GB requires discussion on enforcing Special By-law 42.5 against restaurants continually breaching By-laws–see copy report of GR of 13/11/05 attached.

11. General Business(of which notice has been given):

a) Foxtel connection with limited digital reception available with fitting of a new box. It gives better sound and may give a slightly improved picture. When analogue is

discontinued, you will still be able to get digital with this box. Building still needs special cable for proper digital reception;

b) Grease trap clearances in B2 carried out 05/08/05 and 18/10/05 without complaints;

c) Mail problems re postmen not leaving cards for parcels etc and not pushing mail into box taken up by letter of 06/10/05 and reply of 19/10/05 received that reminders to be given to postmen of correct procedures for both these matters;

d) **"**New strata by-laws" brochure of Strata Management Centre Pty Ltd of Cronulla (Gary Adamson) placed in all letter boxes here on about 03/10/05 stated new By-laws were proclaimed on 01/09/05. It is wrong as they only apply to strata plans registered after 1997 & therefore not applicable to us. Nothing proclaimed 01/09/05 at all.

e) Proposed By-law amendments to Special By-laws 31.7 b) by deleting at very end "of 11C 52" and inserting "down to 62 decibels", 31.8 by inserting after the word "balcony" the words "other than the balconies of Lots 104 and 105", 38.3 g) & h) by inserting "38.4" for "38.3"; 43.9 by deleting "this Special By-law 43" and inserting "any Special By-law" and adding Special By-laws 44 re floor covering insurance, 45 re balcony door maintenance and 46 re abusive, injurious, offensive & embarrassing conduct, to be agreed to and for reference to next AGM;

f) Damage to front steps on 23/07/05- Police attended-tenant of C36 denied he was involved. His flatmate seen with others on balcony throwing objects from balcony to front steps area. Tenant has vacated and bond retained to cover cost of damage and being disputed by him. At present with Rental Bond Board to determine matter. In any event Unit owner is responsible and Rental Managing Agent agrees with this.

g) Contact with STM.-Correspondence only to be sent direct by EC Members to STM in exceptional circumstances and when done a copy of that correspondence and any reply or a report on the result of phone response to be given to the Hon Secretary;

h) STM to be requested to include in AGM Agenda to approve delegation of power & for STM to issue Notices to Comply under Section 45 of Strata etc Act upon written request provided 2 EC members are satisfied a breach of By-laws has occurred;

i) STM proposal to join with other large unit buildings on an approach to various electricity providers on a "reverse auction" basis at the time our current contract expires. Suggestion of a firm to monitor the meters & charges but this rejected as fee was about 5% of annual electricity charges & any saving should not be that high; &

j) Unit 77C (Perri) By-law breaches:

a)Breaches of Special By-laws 31.1 & 31.7 a).

Since June 2005, mainly around the 3 meal times, music with the volume and bass turned up, has been played in Unit 77C to the extent the thumping of the bass is heard in units on levels 9,8 & 7. After incidents on 28/09/05 (see b) below), playing times have greatly increased. In addition, these residents, in the night hours hear noises from Unit 77C such as severe rapid thumping, rolling & wheeling of objects across the floor, probably the balcony, as well as scraping and shuffling and this is still continuing to this date.

Despite letters to the owners on 06/10/05 and 13/10/05, this has continued and more so just after the owners received those letters. As a result, meeting, as held as per Special By-law 41.10, on 25/10/05, resolved to decode the grey key to deny these owners access to the Amenities Block and to forbid them to use it and the pool area pending decision of this Meeting. The music is almost continuous from about 8.30am to about 7.30pm each day.

RECOMMENDATION:

To consider and if thought fit pass the following resolutions:

1. That the Owners of Strata Scheme No. 50785 are satisfied that F. and G. Perri, the owners of Unit 77C, Lot 105, have contravened Special By-law 31.1 by creating a noise on their Lot 105, namely the playing of a sound system at an excessive volume and bass, likely to interfere with the peaceful use or enjoyment of the owners of other lots and that a Notice under Section 45 (1) of the Strata Schemes Management Act 1996 be served requiring the said owners to comply with that By-law;

2.That the Owners of Strata Scheme No. 50785 are satisfied that F. and G. Perri, the

owners of Unit 77C, Lot 105, have contravened Special By-law 31.7 a) in failing to ensure that all floor space within their lot, Lot 105, is covered or otherwise treated to an extent sufficient to prevent the transmission from the floor space of noise likely to disturb the peaceful enjoyment of the owners of other lots and that a Notice under Section 45 (1) of the Strata Schemes Management Act 1996 be served requiring the said owners to comply with that By-law;

3. That the denial of access to and use of the Amenities Block facilities & pool by the owners of Unit 77C, Lot 105, and their guests be continued until the next Executive Committee Meeting scheduled for the 22nd February, 2006 so that the conduct of the owners between now and then can be observed and the results of action under resolutions 1 and 2 be known.

b)Breach of Special By-law 32.5.

On 23/06/05 , 2 Able Door Services employees were repairing the main garage door by replacing the large springs. Mr. Perri wanted to exit the garage and swore profusely whilst speaking to them. On 21/09/05 2 workmen from Enertec were in Unit 77C to service the air conditioner located in common property. He argued with them and swore at them. As a result of which they decided to leave the unit and he physically tried to stop one of them and when they pushed past, Mr Perri, after raising his fist to throw a punch at one workman, went into the kitchen and could be heard rummaging around in the cutlery drawer. The following day, in the hall leading from the lifts to the loading dock, he swore at the Honorary Secretary ("the HS") and poked him in the chest several times and only ceased this when he was told to desist. Shortly thereafter, in the loading dock, he again started swearing at the HS and at one stage raised his fist as if he was going to throw a punch at him.

RECOMMENDATIONS:

(i)That the Owners of Strata Scheme No. 50785 are satisfied that Mr. F. Perri, a joint owner of Unit 77C, Lot 105, has contravened Special By-law 32.5 by using language and behaving in a manner likely to cause offence to any person lawfully using the common property by swearing when berating workman replacing the main door to the garage area on 23rd June,2005,doing the same to a workman of Enertec Pty. Ltd and physically pushing him and threatening to punch him on 21st September, 2005 and swearing at and physically threatening the Honorary Secretary both in the foyer of the tower building and thereafter in the loading dock of that building on 22nd September, 2005 and that a Notice under Section 45 (1) of the Strata Schemes Management Act 1996 be served requiring Mr. F. Perri to comply with that By-law.

(ii)That, in the event that any of the notices served under the preceding resolution and resolutions 1 and 2 of paragraph a) are breached after the service of the relevant applicable notices, the HS is hereby authorised by the EC to apply on behalf of this Owners Corporation to the Consumer, Tenancy and Trading Tribunal for an order under Section 203(1) of the Strata Schemes Management Act 1996 for the payment of pecuniary penalties and under Section 188 of the said Act and for any ancillary orders considered appropriate in respect of .the breaches.

12. Any Other General Business.
13. Closure.

Dated:16th November, 2005.

Denis Solari-Honorary Secretary.

NOTE: RETAIN THIS AGENDA pending receipt of a copy of the Minutes as, for brevity, the Minutes will refer simply to Agenda numbers and any identifying letters as to the result.