MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF THE OWNERS-STRATA SCHEME 50785 HELD AT 1 McDONALD STREET CRONULLA AT 7.00 P.M. WEDNESDAY 2nd February,2005.

Present: Mrs R Hoddinott, Mrs.S.Schembri & Ms J.Healey(only until 7.35pm), & Messrs G.Bursill, D Solari, G.Rennie. C Beebe & P.Mahony(only until 9.15pm).
Chairperson: Mr G Bursill.
Apologies Nil
In attendance Mr.F.Perri(Unit 77C) and Mr. & Mrs. Plunkett (Unit 11C)(until 10pm)

The Chairperson ("GB"), on declaring the Meeting open at 7.05pm, referred to his circularised Memo as to his proposed motion of confidence in the Honorary Secretary, Denis Solari ("DS") and that he intended this to be dealt with before all other business. Ms Jean Healey ("JH") objected and demanded her first 2 motions listed under General Business (of which notice given) be dealt with first. GB stated he had the right to determine the order of priority. JH repeated her request several times and received the same reply from GB. GB stated he wanted his motion voted on by secret ballot on a prepared sheet he would distribute. JH objected to this as she said she wanted the vote to be on a show of hands. JH also kept insisting that the motion of GB be read out and discussed at the Meeting. GB informed her that each EC Member had had the motion in their hands for at least 3 days and, in addition, the motion was set out in the ballot paper in large print. GB also informed the EC Members that they could take as long as they required to digest it and cast their vote. On a motion being put
RESOLVED a secret ballot be held.
DS then made a statement to the Meeting. He indicated he would hand up an unsigned letter of resignation, which he then did, and would sign it if no vote was taken in 20 minutes or the voting or any amendment to the written motion was not, in his opinion, sufficiently favourable. He then left the Meeting at 7.15pm. After a further discussion and JH again repeating her prior comments, a secret ballot was conducted. GB declared the motion carried 5 votes to 2 in favour of the motion which was as follows:
" This committee deplores the unfounded and unwarranted accusations made by Ms Jean Healey in her correspondence which she has circularised to the committee, the Secretary and myself since 27/09/04 and requests she desist from this type of correspondence unless accompanied by proper proof of her accusations and statements and express its full and total confidence in Denis Solari,. the Honorary Secretary."
DS was then requested to return to the Meeting and did so at 7.25pm when his unsigned letter of resignation was handed back to him & accepted by him as its withdrawal.
GB then made the following rulings as to the 2 motions JH had wanted dealt with first.

1.The request for the EC to apologise etc.-It was clear, on a reading of the letter of DS to JH dated 12/01/05, that it was a personal response to the letter JH of 06/01/05 which, although addressed to GB, was a day or so later circularised to all EC Members. There was nothing in the letter of DS to support her contention that it was sent on behalf of or related to some meeting of the EC. GB accordingly ruled it out of order as there was no basis the EC was involved in any way in the letter; and

2. The motion the Secretary be censured-As this would be totally inconsistent with and the opposite to the motion of confidence already passed, GB also ruled it out of order,.

During the period GB was giving these rulings JH, after almost every third or fourth word, kept interjecting and was asked by GB to refrain from this. After further interjections DS called a point of order. DS advised GB he would be at liberty, if JH continued to defy his

rulings and continued interjecting when he and other EC Members were speaking, to request her to desist or leave the Meeting or be ejected by the Police. JH was still even interjecting during this statement. She then persisted in repeating what she had said before and that she was being " bullied" by the EC. After 2 warnings by GB, he advised JH that should she continue with these interjections he would move to have her ejected from the Meeting. After GB gave JH a couple of minutes to address the EC then, her continuing thereafter with her interjections, on a motion being put whilst she was still interjecting, it was
RESOLVED that JH be requested to leave the Meeting due to her consistent interjections & failure to accept the rulings of the Chairperson.
CB made some comments after asking JH to remain and listen to them but, during these comments, JH left the Meeting at 7.35pm.

MINUTES.

RESOLVED the Minutes of the Meeting held on 24/11/04 be **received.**
CB commented that, at the end of these Minutes, the signing off was by the "President" and not the "Chairperson". DS advised he would ensure in future Minutes "Chairperson" would be shown as it had been in the past

RESOLVED the Minutes of the Meeting held on 24/11/04 be **adopted.**

BUSINESS ARISING

RESOLVED that the written report of the Secretary be received.

1.Bus. aris.1).Northies Security guards here voluntarily January 8, 14, 23 & 28, 2005;
2.Bus. aris.2)Australand cheque $1200. re spa paint failure received & sent to STM for crediting to Sinking Fund;
3.Corro item a) STM still to supply letters to confirm AGL maintenance agreement requested in a letter to STM of 28/11/04
4.Building. Services-Division-Secretary's report:
a) Item a)-Unit 34C air conditioner-letter to owner of 25/11/04 confirmed approval;
b) Item d)-Unit 77C balcony tile problem-Refer to discussion under General Business(of which notice given);
c) Item e)-Further claims against Australand-Re Unit 73C, no reply received as promised.
d) Item g)-Letter sent to STM on 06/12/04 to write to Mr. Harkin to advise not proceeding with request for him to pay cost of recharging of fire extinguisher. STM did not send letter but now sent on 28/01/05.
5).House & Garden-New gym equipment not yet installed-STM advise lease documents finalised last week & copy in mail to us.
6).Restaurant Division Report.
a).Item a)-Sandbar advised painting etc not on priority list but can be done at their cost;
b).Item b)-Café Monz advised that if toilet etc proposal to again be raised, full details required before it will be considered by EC.
7).General Business (of which notice given).
a) Item a)-Unit 36C-Tenant apologised for her visitor parking continuously in Visitor's space whilst tenant overseas. Illegal parking immediately ceased. Reported however that blue Holden regn No. DIE4IT normally parked in Unit 36C garage parked in visitor's area overnight on 14/12/04 & on days of December 26 & 27
RESOLVED STM be instructed to issue the Notice to Comply passed last meeting but then withheld unless a further breach occurred. **[Action DS & STM]**

b) Item c)-Unit Levy Notices-variation re payee warnings pro forma awaited. STM to issue Notices by 10/02/05 as due on 01/03/05

TREASURER'REPORT.

RESOLVED that the Treasurer's Report as at 06/01/05, containing information as far back as 2001, as circularised on 01/02/05, be received.

The Treasurer reported she would like to present to the next AGM a budget of expenditure estimates for next 5 years to support increases in levies in line with the CPI. Costs have been contained this year due to efforts of various EC Members but this cannot be expected to continue each year. The Works Order system still not working as well as it could be from the STM end. A long discussion then followed as to the recommendation to go before the AGM on Levies for year commencing 01/03/05 bearing in mind $370,000.0 in Sinking Fund and painting of complex would have to commence about 2007. Also pointed out Sinking Fund contribution was roughly 20% of total levies paid. As a result
RESOLVED STM be advised that the EC recommends an increase of 5% in the Administration Fund and 20 % in the Sinking Fund.

CORRESPONDENCE.

As listed in the Agenda as follows :-

a) STM e-mail of 17/01/05 re request of C7 to keep a small dog in unit at weekends;
RESOLVED applicants be advised this be refused as contrary to By-laws; **[Action DS]**
b).Letter of 19/01/05 from B18 owner re approval for 2 air conditioners, screen doors & an awning;
RESOLVED these be approved on Owner being advised of conditions as follows:
i) 2 air conditioners-Normal terms & conditions to apply; **[Action DS & GB]**
ii) Screen doors to have Stromboli green coloured frames; and **[Action DS]**
iii) Awning canopy material to be same as Unit 75C. **[Action DS]**
c) STM e-mail of 21/01/05 re request of C13 to install security screen doors on balcony.
RESOLVED this be approved subject to frames being Stromboli green and inner metal design same as Unit C4.
d).Unit C23 (Lot 51)Detailed plans for exclusive use area 350mm deep for 1 garage with new type door and Secretary's proposed Special By-law for this, if EC approve it, to then go to AGM for a decision;
RESOLVED the above be recommended to AGM for approval. **[Action DS]**

BUILDING SERVICES DIVISION

a) Report of Building Services Division Chairperson

RESOLVED the written report of the Building Services Division Chairperson be received.

a).Fire alarms-Order issued to Aquafire to install additional panel-work has started;
b).Fire Services-Order issued to Aquafire & Rocar Electric to carry out work required by last inspection. Rocar work completed & Aquafire attending. Order also issued to Aquafire to install door open device to door between Stonefish & Café Monz;

c).External spa rectification-Left to end of swimming season. Advertisement re Porcellite & guarantees promised may be worthwhile investigating
RESOLVED the above be investigated & reported back to next Meeting. **[Action GB]**
d).Showers C52 & C76 attended to & order issued re work on additional shower in C76;
e).Main roller door-MDI maintenance contract still has months to run. To be changed at next renewal-STM advised; **[Action GB]**
f).Unit 25C-Leak in fire sprinkler above bathroom ceiling repaired by Aquafire-ceiling totally demolished to facilitate repairs. Attached quote of R. Williams for $1.245.00 accepted & work completed. Should be covered by insurance claim lodged by STM;
g).Units C70 & C73-Orders issued to Terry Overhall for replacement of doors. DS following up on Australand situation. Work expected to commence January. DS advised final measurements not yet taken & order could not be placed until taken; **[Action GB]**
h).Pumps-Confirmation of DS action to issue orders for pump replacements by GB & RH;
i). Directory Board-Installation on ground floor adjacent to lift actioned by GB & DS meeting sign co. rep. Sketch for final approval awaited.(See Secretary's Report below).

b) Report of Secretary.

RESOLVED the written report of the Secretary be received.

a) Air conditioning service arrangements-Problems as to blockages in pipes and pumps in disposing of condensation discussed with contractor who advised cleaning out be done at time of September & December servicing;
RESOLVED that Enertec be requested to include in the September & December servicing of the air conditioning units on Levels 8,9 & 10, the cleaning out of pipes & pumps to avoid blockages in them in disposing of condensation; **[Action DS]**
b) Water entry Unit 70C-Prior problem on 02/11/04 referred to & EC decision on 24/11/04 to defer action unless a repetition. Further water entry reported on 13/12/04 & quote as obtained for $7,950.00 to replace lounge room doors accepted & Australand, when notified of problem and cost & opportunity given to inspect and do work did not reply;.
RESOLVED This Meeting confirms the acceptance of the quote of Rollers and Wheels of $7,950.00 and the inclusion of this amount as part of the amount to be claimed from Australand; and **[Action DS]**
c) Directory Board to be located under light between ground floor lifts-DS had circularised sketch & quote of $360. + GST of Jordan Signs. CB then presented sketch of Gemtech who had given a verbal quote of $325. + GST. Gemtech's sketch showed "Apartment" rather than "Unit" as a heading and listed these starting with Level 10 at the top
RESOLVED the sketch & quote of Gemtech be accepted **[Action CB]**
d) During the prior discussion, CB raised the matter of the number of each level being shown on that level so that it is visible by passengers from inside each elevator.
RESOLVED report with a sketch & costing be provided to the next Meeting**[Action CB]**

HOUSE AND GARDEN.

RESOLVED the written report of the Chairperson be received.

1).Recycle bins-On 28/12/04 not put out for collection by weekend cleaner. GR and SS put them out and WZ phoned. He advised should not have been put out by GR & SS.(See report of Secretary under General Business (of which notice given));
2).Steve-Add Style Painting-painting of front of building & other areas of concern in progress & will keep up high level of presentation of Cote. GB advised roof doors re access

to ventilation shaft & plant room need planing down & painting. Also western wall of plant room where AGL made holes in .wall in installing new hot water system needs painting
RESOLVED these be checked & any painting & planing be carried out.**[Action GB & SS]**

3).B14 garden-Florascape quote accepted & work now done. Garden on North side &down the side of B14 leading to Gerrale St. gate, as previously pulled out, still to be done ;
RESOLVED this garden be refurbished up to a maximum cost of $750. **[Action SS]**

4).Gerrale St. garden-Florascape fixed garden fitting &installed drip watering system & a few plants-good response to this improvement from residents:

5).Small garden near back gate-Thanks to S. & G. Rennie in cleaning this up-Florascape supplied plants & mulch;

6).Gym equipment-Old equipment donated to local school. There was a delay in new equipment arriving, Apologies to users for delay. Correspondence between GR & DS to STM as well as report from STM as to delay in leasing arrangements for new equipment discussed and dissatisfaction with STM expressed. Reference was then made to the poor state of the gym carpet & availability of better wearing and water resistant carpet available through Workout World;
RESOLVED an amount up to $1,000. be expended to replace above carpet. **[Action GR]**

7).General comment-Refers to people on Committee working tirelessly for benefit of building and residents fortunate to have this benefit and security.

8).SS raised problem as to cigarette butts at communication panel & need for disposal of same
RESOLVED a wall mounted Seton ash receptacle tray costing approx. $219 incl GST be purchased & then fitted underneath tower communication panel. **[Action SS & GB]**

SECURITY DIVISION.

RESOLVED the written report of the Chairperson be received**.**

1) Elvox spare parts now arrived & on site:

2) Tower intercom picture fault free since connections checked & remade where necessary. This not agreed to as several EC Members as tower residents advised of many difficulties in getting a picture
RESOLVED new contractor look at this position & attend to it. **[Action CB]**

3) New Contractor, P. Stone of ESP Security Systems-contact details provided; and

4)Tower revisited by cat burglar before X'mas as far as level 8. No firm proven connection with Minto man arrested for similar activity in Brighton.

RESTAURANT DIVISION REPORT.

RESOLVED the written report of the Chairperson be received

a) Opah Restaurant (R3-Lot 21)-Restaurateur spoken to about his obligation to keep the area behind the lift clean and tidy and limited to storage of rubbish and recycling bins. Copy letters to him of 06/12/04, his reply of 07/12/04 & response of 13/12/04 supplied. Spoken to again on 12/01/05 re subsequent problem & improvement noted;
Report received at Meeting as to patrons of Opah being out on open balcony 11.45pm Saturday 29/01/05 and loud music being played. Tower resident seen on unit balcony looking down at Opah & obviously aware of music;
RESOLVED a letter be sent to Restaurateur complaining & reminding him of hours of operation as well as suppressing noise **[Action DS]**

b) Fire Brigade call-outs-.In view of the almost daily visits here by the Fire Brigade over the 3 weeks following last EC Meeting, in accordance with a discussion with GB a circular

dated 13/12/04 (copy supplied) was distributed to each Restaurant. Whether a coincidence, the circular or some action by our Fire Control firm, call-outs were substantially reduced

c) Café Monz (Shop 4 Lot 2)-Early Sunday, 26/12/04, the glass in a bi-fold entrance door shattered. The Police had been notified before the Restaurateur opened that morning. Express Glass authorised to replace the glass & STM told to lodge insurance claim;

d) Stonefish employees smoking & eating in CP-Another instance reported in late December 2004 and the Restaurateur spoken to. Position is being monitored.

e) Bella Costa (Shop 1 Lot 5)-Early Monday, 10/01/05 the glass in 3 entrance doors was shattered similar way as Café Monz.. Restaurateur notified & again Express Glass authorised to replace the glass & STM told to lodge insurance claim;

f) Restaurant use of handicapped parking space in B2-After a discussion with cleaner & own opinion on the state of this area before and shortly after cleaner spent several hours cleaning it up, a circular (copy supplied) dated 14/01/05 sent to each Restaurant . The next day Stonefish Restaurateur rang to say he had cleaned it up himself & would continue to do so. Observation since that date confirms area much improved; and

g) Hog's Breath-Further complaints re staff after closing being in outside area with loud music playing from inside restaurant, in early hours of morning, disturbing residents **RESOLVED** warning be issued &, if repeated, Notice to Comply to issue **[Action DS]**

GENERAL BUSINESS(of which notice has been given).

1. Written report of Secretary.

RESOLVED written report of Secretary be received.

a).Unit 19C (Lot 47) noise & other problems-Tenant vacated on 06/12/04 but no action taken to clean up grease etc outside garage & in 2 Visitor's parking spaces. Owner contacted & has agreed to cover cost of &100.00 to clean it up. Not expected all grease stains will be removed due to delay in work being done **[Action DS]**

b).Cleaning Contract.-Further failure on 28/12/04 to put out recycling bins referred to as well as phone call WZ to MC Letters re 14/11/04 failure re garbage bins attached. No reason to agree to request to reduce $180.00 deduction now due to 28/12/04 failure. Current cleaning contract expires 31/03/05.A recommendation was made & appeared in the Agenda, that Zenari's Maintenance Service be advised $180.00 stands and contract not to be renewed after 31/03/05 & that GB, DS & SS be authorised to recommend to next EC Meeting engagement of another cleaner effective 01/04/05 on same terms & conditions. Upon WZ becoming aware of this Agenda item, letter of resignation of 28/01/05 (copy supplied) received as a late matter with a Report of the Secretary now to be attached to & to form part of the Agenda. Reduction of $180. penalty to $80.00 as per letter of WZ discussed as well as testing Matt Clifton as to his possible interest in accepting engagement as cleaner;

RESOLVED

a) That the letter of Zenari Maintenance Service Pty Ltd ("Zenari") dated 28/01/05 giving Notice of Termination of his Contract be received and the termination accepted effective as at 27/02/05 and a letter in the form of that attached be forwarded in reply;

b) That GB, DS & SS be empowered to approach Matt Clifton or, if not interested, another cleaner in order to engage a contract cleaner on the same terms and conditions as the current contract with Zenari to commence on 1st March,2005 and have this confirmed at the EC Meeting to be held on 16/03/05;and

c) The penalty of $180. imposed on 24/11/04 be reduced to &80. **[Action GB,DS & SS]**

c) Annual General Meeting-STM advise it agreeable to Wed. 23/03/05 for AGM.
RESOLVED the AGM be held 7.30pm Wed. 23/03/05 in b-b-q area and next EC Meeting be held on 16/03/05; **[Action DS]**

Late matter re Unit 77C tile problem.
The Secretary's Reports of 30/01/05 and 02/02/05 with accompanying correspondence attached to each and as now to form part of and to be attached to the Agenda for this Meeting were considered with little comment due to the presence of Mr. Perri &
RESOLVED:
a). A letter in the form as presented to this Meeting & now attached to the Secretary's report of 02/02/05 be sent to Paul A. Brown & Co, Solicit0rs for Mr. & Mrs. Perri; &
b). The Chairperson & Secretary be at liberty to instruct Michael Solari of Solari Legal, Miranda, to act in this matter at the time they feel it necessary to engage Solicitors during the course of this matter. **[Action DS]**

d) Consolidated By-laws-EC Members referred to circular of 14/01/05 & copy proposed By-laws attached to it & need for agreement to final form for approval at next AGM.
In a discussion on this amendments were agreed to as follows:
i) delete sub-clause b) from clause 10.5 so that no signs be permitted on balconies;
ii) insert as clause 12.1 prior Special By-law 14 as to creating noise from equipment in commercial lots and renumber next 3 sub-clauses as 12.12 to 12.14;and
iii) providing clause 13.1 as Option "A"(permits no smoking except in b-b-q area) and Option "B" as complete prohibition of smoking on any secured common property, as the EC vote was equal on this & felt Owners should decide it.
RESOLVED the By-law, amended as above and in form to be attached to these Minutes & signed by the Chairperson be placed on the Agenda of the AGM with the repeal of the 4 sets of By-laws being replaced.

2. Attached Motions proposed by Jean B Healey.
Note: Proposed motions numbered 1 & 2 dealt with at Meeting commencement.
3) Meetings to be held at reasonable time to avoid fatigue when run from 7-11pm Suggests Saturdays 9-11am once per month rotationally in individual apartments;
RESOLVED unacceptable and also new amendments before Parliament require scrutiny as to effect on this Corporation if it is a "large corporation" & includes proposals re all owners to receive copy of Agenda
4) Agenda documents restricted to Reports-others available for borrowing from office.
RESOLVED not practical as EC members wish to read material at their leisure and several sets of remaining documents etc needed for Minute book as well as 3 copies for borrowing, thus paper saving minimal & exceeds inconvenience caused.
5) Speakers restricted to 3 minutes per issue-2 minute extension if Meeting agrees. Reports restricted to 5 minutes with 2 minute extension if Meeting agrees;
RESOLVED whilst this would be idyllic, it would not work in practice.
6) The CP responsible for correct & equitable conduct of meetings & ensure all items submitted for Agenda be included-Fairness & equity to be basis of decisions taken;
RESOLVED this be agreed to as this is what EC Members agree now occurs.
7) Correspondence for particular infringements be composed by a sub-committee so that they are professional, direct & specific in their content but not offensive or personal.-Suggests 3 notices at pre-determined intervals comprising increased requirements for compliance. Plain & modern English to be used;
RESOLVED whilst some of the content has some merit, having a review committee is impractical & the implicit suggestions by JH as to her opinions on past correspondence are unfounded and not agreed to.

8) Correspondence to various residents, owners & restaurateurs etc re specific matters be composed by a sub-committee of 2 or at least reviewed & countersigned by another EC Member & be professional, polite objective & written in plain & modern English to facilitate compliance;
RESOLVED this not agreed to as it is irrelevant as to part and the reasons for rejection set out in 7) above also apply.

9). Minutes to be noted throughout by one or more EC Members & their content to be the basis for an accurate & honest recording of proceedings. Minutes to be attributed to the author & endorsed by the chair and/or other EC Members prior to distribution. EC Members who wish have their objections recorded in the minutes may do so;
RESOLVED this not agreed to as EC Members have the opportunity at the next Meeting, when a motion for the receipt of the Minutes as a true record is being considered, to have corrections made before the Minutes are adopted. The position has always been that any member can request his/her name to be recorded as against a motion when the motion is passed and it will be noted in the Minutes.

10). Meetings be conducted in a congenial & cooperative manner and this requires all EC Members be included & valued as well as respected-will only happen if limitations in place to avoid dominance by any particular individual.
RESOLVED this be agreed to as it now occurs.

OTHER GENERAL BUSINESS.

Nil

Next Meeting; Wednesday, 16th March, 2005.
Meeting Closed: 11.30pm.

Chairperson

Prepared: 8th February,2005.