MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF THE OWNERS-STRATA SCHEME 50785 HELD AT 1 McDONALD STREET CRONULLA AT 7.00 P.M. WEDNESDAY 23rd NOVEMBER,2005.

Present: Mrs.S.Schembri (SS), Mrs R Hoddinott (RH), Messrs G.Bursill (GB), D Solari (DS),B. Perkins (BP) & G.Rennie (GR).

1.Apologies Messrs. C Beebe (CB) & P.Mahony (PM).

In attendance Ms. D Carey (17C).

Chairperson: Mr G Bursill.

Meeting opened 7.05pm.

Special Business-Letter of Mrs. S. Carruthers dated 22/11/05 resigning from EC.
Resolved the resignation be regretfully received & SC thanked for her past EC work.

Minutes.

2.Resolved the Minutes of the Meeting held on 20/07/05 be **received.**

3.Resolved the Minutes of the Meeting held on 20/07/05 be **adopted.**

4.Business Arising other than referred to in separate items hereunder.-

a) & b) Noted.

5.Correspondence.

a) Noted;

b) **Resolved** Luxaflex retractable off-white awning A11 be approved; **[Action SS & DS]**

c) Noted;

d) Resolved that the elevation plan and covering material samples are approved, the colour to be off white. The applicant must comply with the other terms of the letter to him of 13/10/05 before a decision is made on the proposal; **[Action DS]**

e) **Resolved** Luxaflex foldaway off-white awning B18 be approved; **[Action SS & DS]**

f) **Resolved** Aluxor drop down off-white awning for Unit 45C be approved-awning & conduits for electrical to be located as already directed by GB; **[Action SS, DS & GB]**

g) **Resolved** this letter be discussed with Restaurant item 10 g);

h) Decision deferred until item 7 d) of Building Report of DS discussed;

i) **Resolved** contents of reply of DS of 11/11/05 confirmed & also what occurred at AGM when Mr. Perri was nominated for EC- Reply to be sent accordingly; **[Action DS]**

j) Resolved letter be sent to STM to advise building valuation only required each 5 not 3 years & CPI be used for 4 years in between for increase in insured amount;**[Action DS]**

6.Treasurer's Report.

a) & b) Noted.

c) **Resolved** STM be advised they are not to issue a work order when they receive the copy of the one we issue unless specifically requested so to do. They are however still to carry out all necessary checks on the supplier to whom we have issued a work order to ensure the supplier has complied with all licensing and other legal requirements to carry out such services. Also STM to have all accounts for phone, water, power etc., as now sent to STM direct, redirected to OC for approval before payment; **[Action DS]**

7.Building Services Division.

Report of Building Services Division Chairperson (GB).

a), b), c) & d) Noted

e) Resolved letter be sent to spa paint supplier to honour guarantee within 14 days or legal action will follow; **[Action DS]**

f), g), h), i), j) & k) Noted.

Report of Secretary (DS).

a), b), & c) Noted.

d) **Resolved** reply as per draft as presented be sent. **[Action DS]**

8.House and Garden.

Garden.

a), b), c), d) & e) Noted.

House.

f), g) & h) Noted.

9.Security Division.

Resolved that the quote of Siemens dated 08/11/05 for $3,685.00 + GST excluding cabling, coring & locksmith work be accepted & that quotes be obtained for this excluded work & the updating of the pool gate & increase in fencing height &, subject to the same being approved of by GB & CB, this work then to be proceeded with; **[Action CB & GB]**

10.Restaurant Division.

a), b) & c) Noted.

d) Noted & Emergency contact details held.

e) & f) Noted.

Resolved that due to failures by the restaurants to responsibly use the unofficial glass recycling area on B2 & arrange for regular clearances, failure to only use the disabled space behind Oceanna for unofficial proper storage of garbage bins, continual breaches of By-laws & Council DA conditions as to boundaries of outdoor eating area & its use, noisy parties by staff after closure times disturbing residents and general uncleanliness in respect of common property etc the following will occur immediately after the next clearance of bottles from the glass recycling area:

i) The wire glass recycling enclosure will be removed;

ii) No further depositing of glass in that area will be permitted;

iii) Each restaurant will be supplied with 2 recycling bins, one for Café Monz;

iv) Recycling & garbage bins & bales for cardboard must be kept within garages or restaurants & collections must be via Peryman Place;

v) Storage or depositing of anything in the disabled car space is forbidden;

vi) Breaches of any of the above & any other By-law or Council condition will result in the EC invoking the $1,000.00 per quarter rental provision for roof exhaust & grease trap systems as per Special By-law 42.

vii) A memo to the above effect is to be delivered to each restaurant with a copy of Special By-law 42 & Council's closing hours details as well as a letter sent to the lot owners of restaurants with a copy of that memo & attachments & all invited to attend a meeting with GB, DS & SS at 4.30pm Friday 02/12/05 to which residents of A Block will also be invited. **[Action DS, GB & SS]**

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

a), b) & c) Noted.

d) DS advises information in Agenda obtained from STM on 06/10/05 is itself wrong & new Regulations under Act did come into force on 01/09/05 & have little effect on us.

e) **Resolved** STM be sent proposed amendments for decision at next AGM; **[Action DS]**

f) Noted.

g) **Resolved** correspondence etc with STM be by Hon. Sec. except in exceptional circumstances and then a copy of any letters & a report on any phone conversations to be given to Hon. Sec.

h) **Resolved** STM be requested to include in next AGM Agenda a proposed resolution to delegate to any Strata Manager power to it to issue Notices to Comply under Sec. 45 of Strata etc. Act upon our written request provided 2 EC Members are satisfied that a breach of the By-laws has occurred. **[Action DS]**

i) Noted.

j) DS circularised diarised details of breaches from 28/09/05 to date.

a) **Resolved** as follows:

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)Resolved as follows:

(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 workmen 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, DS 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 for any ancillary orders considered appropriate in respect of the breaches. **[Action DS]**

12. Other General Business.

Resolved BP be authorised to expend up to $1,000.00 for a X'mas tree & decorations for placement each year in the Tower foyer; **[Action BP**

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Next Meeting: Wednesday, 22nd February, 2006

Meeting Closed 10.05pm.

Chairperson

Prepared & Distributed: 25th November, 2005.