Print date:
Tuesday, 7 October 2008

In reference to:
Strata Plan 50785
1-3 McDonald Street
CRONULLA NSW 2230

Our Ref: **MP: SP50785: EC Meeting Minutes 1st October 2008**

MINUTES OF EXECUTIVE COMMITTEE MEETING

The Executive Committee of the Owners of Strata Scheme 50785 held an Executive Committee meeting on:

Wednesday 1 October 2008 at 7.00pm in The Offices of Strata Title Management Sydney, Suite 1, 191-193 Taren Point Road, Taren Point

PRESENT	Mr Rennie, Mr Earl, Mr Beebe, Mr Gourley, Mr Korbell
APOLOGIES	Ms Schembri
VISITORS	Craig Morton (Director) Tradesman-On-Rope Pty Ltd
	George and Louis Mikhail and Hugh – The Drop In
IN ATTENDANCE	Michael Price STRATA TITLE MANAGEMENT SYDNEY
CHAIRMAN	Michael Price

MOTIONS

1. RESOLVED that the minutes of the previous Executive Committee Meeting be confirmed as a true and accurate account of that meeting.

The Meeting dealt with items 2. k) and 2. b) after the resolution of the minutes of the previous meeting with the following resolutions:

2. k) The Executive Committee indicated to representatives of The Drop In that in the present form the Owners Corporation cannot properly approve their request for permission to install an awning over their Exclusive Use area. The Drop In representatives were requested to provide the following to the Executive Committee via the offices of STM Sydney:

- Written authority from the proprietor of Hogsbreath Café Mr Phillip Richards granting permission for the awning to be connected to a stainless steel post already installed in the exclusive use area of lot 1.
- Proper advice including any brochure information regarding the type of material the awning will be constructed, including the measurements of the proposed awning.
- The details of the company to carry out the installation.

The information will be forwarded to the Executive Committee by email for consideration prior to the next Executive Committee Meeting.

2. b) A lengthy discussion between the Executive Committee and Mr Morton of TOR took place regarding the disputed need for Home Owners Warranty Insurance. It was resolved that the Mr Morton would take the necessary steps to obtain his painting license therefore enabling him to obtain Home Owners Warranty Insurance for the painting of the building. It was noted that Home Owners Warranty Insurance is a statutory requirement.

It was further resolved that TOR be paid for the installation of anchor points for the sum of $9,474.30. All payments associated with the painting and cleaning are to be withheld until Home Owners Warranty Insurance is tabled.

2. Building
a) **RESOLVED** that the report from Premier Contract Cleaning Pty Ltd be tabled and a copy affixed to the Minutes Book.
c) RESOLVED that the Owners of Strata Scheme 50785 are satisfied that despite requests, the resident owner of Unit B18 Lot 25 has not modified his non-approved type awning to prevent it overhanging common property, and therefore notice will be served on the owner to remove the awning within 30 days subject to the provisions of Special By-law 35.5 Removal of the works for which no approval given.
d) NOTED that the replacement of the roller shutters of C76 has been completed.
e) RESOLVED that the Executive Committee inspect the C76 balcony tiles before further action is determined.
f) RESOLVED that the Executive Committee is happy with the progress of the calcium residue cleaning of various common property tiled stairs and courtyard areas.
g) RESOLVED that the Strata Managing Agent add the WorkCover registration for the garbage compactor compressor to our multiple equipment registration.
h) RESOLVED that the quotes received from BSA ($42292.09 incl GST) and City Antennas ($48400 incl GST) for the upgrade of the single wire Foxtel satellite system to Digital/IQ (IQ2-HD) be placed on the next Annual General Meeting agenda for approval of the Owners Corporation.
i) NOTED that Gary Macris has been given until the close of Business Tuesday, October 07 2008 to provide a response to the Owners Corporations request that he cover the cost of necessary repairs due to the installation of an oven upgrade by Opah Restaurant R3 Lot 21. The Strata Managing Agent will forward all correspondence regarding this matter as received.
j) RESOLVED that the Executive Committee has no objection to the proposed amalgamation of lot 62 & 68 and that a motion be placed on the next Annual General Meeting Agenda to Specially Resolve the By-Law drawn up granting permission for the proposed works.

3. Finance
a) RESOLVED that the Financial Statements and Strata Management Report be tabled.

4. House
a) RESOLVED that Florascapes will be issued with a Work Order to commence agreed works as soon as possible.
b) RESOLVED that due Cote d' Azur being a secure building with restricted access to floors etc, it is inappropriate to allow charitable collections to be undertaken in the building by providing access to collectors. Collections of any nature are deemed inappropriate.

5. Restaurants
a) RESOLVED that as the leasee of Zink Restaurant R2 Lot 12 has changed, all current Notices to Comply must be renewed in the name of the new leasee.
b) RESOLVED that the Owners of Strata Scheme 50785 are satisfied that despite requests, the operators of Zink Restaurant R2 Lot 12 have contravened Special By-law 32.7 Behaviour of invitees by not preventing their staff from parking on and obstructing common property, and not preventing their staff smoking on secured common property, and that a Notice under Section 45(1) of the Strata Schemes Management Act, 1996 be served on the occupant of that Lot to comply with that By-law.
c) RESOLVED that the Owners of Strata Scheme 50785 are satisfied that despite repeated requests the operators of Zink Restaurant R2 Lot 12 have contravened Special By-Law 32.8 Depositing rubbish or other material on CP, and that a Notice under Section 45(1) of the Strata Schemes Management Act 1996 be served on the occupants of that Lot to comply with that By-law.
d) RESOLVED that the Owners of Strata Plan 50785 are satisfied that the vehicles associated with Stonefish Café S3 Lot 3 are parked on common property illegally and that the Strata Managing Agent lodge an application at the Consumer, Trader and Tenancy Tribunal for an order and penalties to be applied by an adjudicator as the mediation failed.
e) RESOLVED that the Strata Managing Agent provided an update of recent Mediation held with Stonefish Café regarding parking breaches and that the Strata Managing Agent is instructed to instigate action for the recovery of costs awarded at the last CTTT hearing regarding parking, and inform the CTTT accordingly.
f) RESOLVED that the Owners of Strata Scheme 50785 are satisfied that the vehicles associated with Zink Restaurant R2 Lot 12 and its operator are continuing to park on and obstruct common property after receiving the maximum penalty of $550 plus costs from the Consumer Trader and Tenancy Tribunal for breach of the now lapsed Notice to Comply, and a fresh Notice under Section 45(1) of the Strata Schemes Management Act 1996 be served on the occupants of that Lot to comply with Special By-law 32.1 Vehicles and Special By-law 32.7 Behaviour of invitees.
g) RESOLVED that the Owners of Strata Scheme 50785 are satisfied that the operator of Stonefish Café S3 Lot 3 has contravened Special By-Law 42.6 Use of CP by continuing to conduct commercial operations beyond their Exclusive Use area. Mediation is not appropriate as the Owners Corporation does not have the authority to vary conditions attached to the DA and/or Liquor Licence, therefore the Strata Manager is instructed to lodged an application for an order and penalties to be applied by the adjudicator.
h) RESOLVED that the Owners of Strata Scheme 50785 are satisfied that the operator of Splash S2 Lot 4 has contravened Special By-Law 42.6 Use of CP by continuing to conduct commercial operations beyond their Exclusive Use area. Mediation is not appropriate as the Owners Corporation does not have the authority to vary conditions attached to the DA and/or Liquor Licence, therefore the Strata Manager is instructed to lodged an application for an order and penalties to be applied by the adjudicator.
i) RESOLVED that the Strata Manger presented his report on the recent CTTT mediations between Stonefish Café, Hogsbreath and the Owners Corporation concerning the continued use of commercial refrigeration equipment in the garage area, and the continued illicit use of common property power by several restaurants.

j) RESOLVED that the Owners Corporation appoint JS Mueller & Co. in accordance with the cost disclosure and agreement enclosed with the minutes for the purpose of lodging applications at the Consumer, Trader and Tenancy Tribunal regarding refridgeration devices with commercial lot garages.

5. General Business

a) No date was established for the next Executive Committee Meeting but it is noted that the next meeting will fall due in January 2009.

b) **RESOLVED** that the Strata Managing Agent write to Skilltech advising access can be obtained through the Building Manager.

c) **RESOLVED** that the Strata Managing Agent write to the owners of 39C approving the installation of an air conditioner as per the normal conditions. It was further **RESOLVED** that the Strata Managing Agent write to the Owners of unit C39 denying approval to install an awning.

d) **RESOLVED** that the quotation for the installation of a checker plate for the sum of $3,350.00 has been approved.

e) **RESOLVED** that Advance Power have been engaged to service the power generator.

f) **RESOLVED** that the ThyssenKrupp Report be forwarded to the owner of lot 21 for their action if this has not already been done.

g) **RESOLVED** that the Strata Managing Agent write to the proprietors of Zink Bar regarding the common property area currently being used as their smoking area.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 9:49PM