Print date:
Thursday, 26 March 2009

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

Our Ref**: MP: SP50785: EC Meeting Minutes 19th March 2009**

MINUTES OF EXECUTIVE COMMITTEE MEETING

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

Thursday, 19 March 2009 at 7.00pm in the Offices of Strata Title Management Sydney, Suite 1, 191-193 Taren Point Road, Taren Point

PRESENT	Ms Schembri, Mr Korbel, Mr Beebe, Mr Gourley, Mr Earle
IN ATTENDANCE	Mr de Souza (18)
	Craig Morton & Ricky Tradesmen On Rope Pty Ltd
	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.

2. Building
e) RESOLVED that the contract provided by TOR for the painting of the common property be amended as agreed by both parties at this meeting. It was further **RESOLVED** that Mr Gourley and Mr Beebe be authorized to execute the amended contract on behalf of the Owners Corporation.
a) RESOLVED that the report from Premier Contract Cleaning Pty Ltd was tabled and that a copy be affixed to the minutes book with the following notation:

- It was noted that the Zink Bar Repairs had been finalized. It was noted that a claim be lodged against the tenant and the owners of lot 21 for reimbursement of expenses.

- It was decided that the re-surfacing of the lift access areas in B1 & B2 be deferred to another Executive Committee Meeting following the Annual General Meeting.
- It was noted that the treatment applied by the Slate Doctor to the balcony tiles on C76 appears to have rectified the staining in the test area. Noted that this treated area be monitored for the next week or so to ensure stains do not re-appear.
- It was resolved that John Stevens approach Endeavour Air Conditioning to reduce their price to $7,000.00 + GST.
- It was noted that Tradesman on Rope have agreed to apply treatments as recommended by Westox Building Products to remedy a water penetration problem through the cavity wall and expansion joint.
- Resolved that the Lightening Rod is to be serviced by Energy Correction Options for $600.00.
- Resolved that Jim Allen of George Floth Pty Ltd be engaged to inspect and report on the current water penetration problems in C77.
- Resolved that a flag pole be installed with a flag at least 3 metres in length desired.
- It was noted that two more quotations were required for the re-surfacing/tiling of the pool, which will be reviewed at an Executive Committee Meeting after the Annual General Meeting.
- It was noted that the fountain had been repaired.
- It was noted that the Building Managers office door closer required adjustment to ensure closure.
- Quotations are to be obtained for the re-rendering of front walls in preparation for re-painting.
- It was noted that Carey Beebe will inspect the BBQ area lights to determine whether replacement is required.
- It was noted that Foxtel TDT upgrade is to be placed on the Annual General Meeting Agenda.
- It was noted that the common property exhaust air vents that requiring replacement as per the building managers report will be replaced for the sum of $2,350.00 per vent.
- Resolved that a chin up bar be installed in the gym.

b) Refer to notations in 2a).
c) Refer to notations in 2a).
d) RESOLVED that the proposed amalgamation of Units C62 & C68 (Lots 90 & 96) and associated Exclusive Use By-Law be placed on the Annual General Meeting agenda for special resolution.
f) 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 the Strata Managing Agent is instructed to lodge an application for mediation at the Consumer, Trader and Tenancy Tribunal.

3. Finance
a) RESOLVED that the Financial Statements for the previous financial year and proposed budget for the upcoming Annual General Meeting were reviewed and that the proposed budget be endorsed. It was further noted that when considering the budget the Executive Committee took into account the current economic crises and approved a budget which will ensure the levies remain unchanged for the ensuing budget period.
b) RESOLVED that in future decisions associated with reimbursement of large sums of money to owners be resolved by the holding of a schedule 3 meeting.

4. House
a) RESOLVED that the cleaner be authorized to park a vehicle on the common property parking spaces when available.
b) It was noted that additional plants have been planted in the pool area gardens however the majority of gardening is on hold until the painting has been finalized.
c) RESOLVED that the Owners of Strata Scheme 50785 are satisfied that despite requests, the tenants of Unit C8 (Lot 36) are in breach of Special By-Law 31.1 Noise Which Affects Your Neighbours, in that they have had several noisy parties which have disturbed other residents. The Strata Managing Agent is instructed to issue a Notice To Comply in accordance with section 45 of the Strata Schemes Management Act 1996.
d) RESOLVED that the Owners of Strata Scheme 50785 are satisfied that Mr David Noel Gittus & Ms Denise Gloria Flugler, resident owners of C1 (Lot 29) are in breach of Special By-Law 32.1 Vehicles and the Notice To Comply served on them on 22 April 2008. The Strata Managing Agent is instructed to lodge an application with the Consumer, Trader and Tenancy Tribunal for an order and penalties.

5. Security
a) The current problems associated with trespassers was discussed during the presentation of the building managers report and it had been noted while there had been several incidents of late that the problem had been reduced since the installation of additional fencing etc. The building manager will attempt to source a wet paint substance as an option to improve the security of the complex further.
b) It was noted that the Owners Corporation was awaiting parts from Elvox.

6. Restaurants

a) RESOLVED that of the rooftop exhausts over the commercial lots were in need of painting and that the Hogsbreath exhaust was in need of replacement. A quotation is to be obtained from Tradesman on Rope for the painting of the exhaust systems which will then be referred to each lot owner and the Strata Managing Agent was instructed to write to the owner of lot 1 requesting the current exhaust system be replaced due to dilapidation.

b) RESOLVED that the current status of action being taken against commercial operators for refrigeration in garages was discussed.

c) RESOLVED that a legal practitioner review the process of enforcing orders for costs made by the Consumer, Trade and Tenancy Tribunal against Mr Robert Schroder as per the orders made in May 2008.

d) RESOLVED that a legal practitioner review the process of enforcing orders for costs made by the Consumer, Trader and Tenancy Tribunal against Mr Michael Fitzgerald as per the orders made in May 2008.

e) RESOLVED that the Owners of the Strata Scheme 50785 are satisfied that the operator of Splash S2 (Lot 4) is in breach of By-Law 37.2 Closing Doors, in that their staff constantly prop their rear kitchen door open. The Strata Managing Agent is instructed to issue a Notice to Comply in accordance with section 45 of the Strata Schemes Management Act 1996.

f) RESOLVED that a letter be sent to the operators of Zink Bar advising that the Owners Corporation has acknowledged a vast improvement and that the lounge had been located form common property. The letter should also indicate that there is a problem with Zink Bar staff smoking out the front of the property on the garden box and disposing of cigarette butts is the garden box and requesting that these action cease. The letter will also outline the problems smoking in such a location poses to asthmatics living in the apartments above the commercial lots.

g) RESOLVED that that the Owners of Strata Scheme 50785 are satisfied that after numerous requests, that owners of Lot 21, R3 are in breach of Special By-Law 2, in that they have failed to maintain the painted surface of the lift tower soffit. The Strata Managing Agent is instructed to lodge an application for Mediation with the Consumer, Trader and Tenancy Tribunal.

7. General Business

a) RESOLVED that the Executive Committee appoints Dunstan de Souza as an ex officio member and Honorary Legal Advisor.

b) It was noted that the new Strata Managing Agency Agreement would be forwarded to the Executive Committee Members prior to the Annual General Meeting notice being sent out. It was further noted that the new agreement should be sent to all owners with the Annual General Meeting Agenda.

c) RESOLVED that the Special By-Law 42.5 will be reviewed and re-written by Mr de Sousa and that the revised By-Law will be placed on the Annual General Meeting Agenda for Special Resolution.

d) RESOLVED that the Executive Committee reviewed the By-Laws currently registered on the common property title.

e) RESOLVED that the date for the Annual General Meeting be Wednesday, 22 April 2009 commencing at 7:00PM.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10:28PM