MINUTES OF EXECUTIVE COMMITTEE MEETING OF THE OWNERS CORPORATION

MINUTES OF BUSINESS dealt with at the Executive Committee Meeting of the Owners-Strata Plan No 50785 *Cote d'Azur*, 1 McDonald Street, CRONULLA held in the offices of Strata Title Management located Level 1, 191 -193 Taren Point Road, TAREN POINT **on** 21st December 2010 **commencing at** 6:36PM

PRESENT Peter Dransfield
Sue Schembri
Colin Lock
Carey Beebe
David Gourley
Ron Earle
Ted Korbel

APOLOGIES Gary Macris
Bruce Gale

PROXY Bruce Gale – Proxy to Sue Schembri (Proxy unanimously accepted by the Executive Committee)

IN ATTENDANCE Guy Arkins of Lot 12
Neville Bayliss of Lot 86
Marcelle Pearson of Lot 73 (Left the meeting at 8.30pm)
Bill Byast & John Stevens of Premier Contract Cleaning Pty Ltd (Left the meeting at 7.50pm)
Nina Ashfield-Howell of Strata Title Management

CHAIRMAN Ms Ashfield-Howell (By Invitation)

There being a quorum present the chairman declared the meeting open.

MOTIONS

MOTION 1
Minutes

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

MOTION 2
Building Managers Report

RESOLVED that the building managers' report was tabled and that a copy be affixed to the minutes book with the following action noted/determined:

I. **Exterior Painting**
NOTED that Craig Morton from Tradesmen On Rope was unable to attend to address the meeting in relation to the status of the exterior painting works.
NOTED that the exterior painting of the building will re-commence by Tradesmen-On- Rope Pty Ltd after 21 January 2011 once the new owners of Lot 105 settle on their purchase.
RESOLVED the Executive Committee obtain a written program of works to be completed in respect to the remaining exterior painting works which is to include an estimated timeframe in which to complete the works.

II. Florascapes Report

DEFERRED - The Executive Committee deferred considering acceptance of the quotation from Florascapes for the replanting of the area 6 common garden beds until a determination is made on the condition of the waterproof membrane.

III. Outstanding Building Works

RESOLVED that the strata manager obtain a quotation from Integrated Building Consultancy (IBC) to carry out an extensive inspection of all outstanding building works in need of repair and provide a report on the cause of the problems and proposed rectification method with a view to prioritising the works in order of urgency.

The report is to include the following works:

- Re-tiling of entire balcony areas of penthouse apartments C76 & C77 (This is now URGENT and a PRIORITY, being the main job that has been outstanding for years and Chris Palumbo inspected and scoped job but I want to make sure it is done properly the first time as this is a massive cost to do. We have 3 quotations ranging from $300,000.00 to $474,000.00 – See attached quotes and tender assessment carried out by Strathclyde Building Services;
- Water Seepage to block A stairs – See attached report
- Apartment C64 Water Ingress – See attached report
- Rusted Pergola Structure over Lot 21 & Cracked Glazing – See attached report

Furthermore, the quotation is to include the services of IBC to put the scope of works out to tender to obtain three comparable quotations for consideration by the Owners Corporation at a general meeting.

IV. Energy Saving Lighting System

NOTED that the installation of the energy saving lighting system by *Illum-A-Lite* will be taking place on Wednesday, 22nd December 2010.

V. Outdoor Spa Room

NOTED that a new cartridge filter was installed approximately two weeks ago to the outdoor spa filtration system.

VI. Glass Pergola Structure of Lot 21

NOTED that the condition of the pergola structure over the lift to Lot 21 is to be included in the report to be prepared by IBC in respect to the rusting that is appearing on the structure

RESOLVED that in the interim, the strata manager arrange for the broken glass to the top of the structure to be replaced as a matter of urgency and claimed on the building insurance.

VII. Unit C64 Water Ingress Update

This is to be investigated by IBC during their inspection report process. John Stevens is authorised to place an inspection hole into the wall of C64 to see if any obvious cause of the water ingress can be noted. This hole is to be left open for IBC to view & use as part of the inspection to determine cause & appropriate rectification method.

VIII. Gerrale Street Gate Replacement

NOTED that the Building Manager will arrange for the Gerrale Street entrance gate to be redesigned again to retain the decorative caps then requoted accordingly.

MOTION 3
Financial Reports

RESOLVED that the Financial Statements dated 31 October 2010 were reviewed and that a copy be affixed to the Minutes Book.

NOTE: A query was received on the tax invoice recently received from BSA Ltd for the amount of $52,344.71. It was agreed that Carey Beebe should investigate further before authorising payment on behalf of the committee. The strata manager was requested to question the Auditor to determine if the Owners Corporation can claim the total amount of GST back.

MOTION 4
Agency Agreement

RESOLVED that Chairman, Sue Schembri & Treasurer, Ted Korbel be authorised to execute the Strata Management Agency Agreement with Strata Title Management in accordance with the resolution passed at the 2009 Annual General Meeting of the Owners Corporation.

MOTION 5
Outstanding Building Works

1. Update on the exterior painting is noted under Motion 2
2. Correspondence from Rob McCubbin noted and issue to be addressed in IBC report.
   RESOLVED the strata manager arrange for the broken glass to the top of the structure to be replaced as a matter of urgency and claimed on the building insurance.
3. **RESOLVED** that the strata manager is to write to all restaurateurs & lot owners (except Hogsbreath) to advise that the Owners Corporation will arrange for the painting of the exhausts to be carried out by a certain date and provide each party a timeframe in which to carry out any required repairs and/or maintenance prior to the date that the painting will commence. It was noted that the exhausts will be painted in a colour to match the roof and the cost of the painting is to be charged to each restaurant lot owner's levy account in accordance with the bylaw.

MOTION 6
Lot 104 & 105 Balcony Tiling Quotations

DEFERRED consideration of the tiling quotations due to the recent sale of lot 105 as further costs could now be saved due to uninhibited access to be provided by the new owners of Lot 105 after settlement takes place on 21 January 2011.
FURTHER RESOLVED that IBC be engaged to prepare a full scope of works on the tiling of lots 104 & 105 and once complete, put out to tender for three comparable quotations to be received and a provision of project management services to ensure the job is carried out in accordance with the scope of works.
FURTHER RESOLVED that once the scope of works finalised and quotations are received, a General Meeting of the Owners Corporation is to be convened to permit all owners to have input on the decision of which quotation to accept.

MOTION 7
Application for an Order (Section 145) to enter Lot 105

MOTION DEFEATED due to the current owner of Lot 105 recently selling his apartment which is due to settle on 21 January 2011 and the strata manager receiving reassurance in writing from the new owners that there will be no further access issues on their part.

MOTION 8
Engage a solicitor regarding an order (sect 145) to enter Lot 105

MOTION DEFEATED due to the current owner of Lot 105 recently selling his apartment which is due to settle on 21 January 2011 and the strata manager receiving reassurance in writing from the new owners that there will be no further access issues on their part.

MOTION 9
Application from Sutherland Council to attach aerial to common property to support increased wireless video security within the Cronulla community

RESOLVED to approve, in principal, the installation of the aerial to support CCTV infrastructure subject to a license agreement being prepared by a solicitor of the committee's choice at the cost of Sutherland Shire Council. It was noted that once a suitable agreement had been prepared this would need to be formally approved for execution by the Owners Corporation at a general meeting.

Motion 10
Application for a fine against the owner of Lot 74 for breach of Notice To Comply – Parking on Common Property

MOTION DEFERRED – After considering the recent circumstance of the owner of lot 74, **i**t was decided that the strata manager be instructed to write to the owner and determine if he is aware that the occupants of his lot are parking in the visitors car spaces overnight, in breach of the Notice To Comply and seek advice from him as to why the Executive Committee should not apply for a fine at the Consumer Traders Tenancy Tribunal for up to $550.00 to be imposed on him.

Motion 11
Notices to Comply

- **RESOLVED** that a notice to comply be issued to the lessee of Lot 12 (Zink Bar) for continual breaches of by-law 2 in relation to parking vehicles on common property without the approval of the owners corporation.

- **RESOLVED t**hat a notice to comply be issued to the lessee of Lot 4 (Splash Restaurant) for breach of by-laws 37.1 and 37.2 for tampering with the common door lock and alarm to the common security door at the end of the restaurant tunnel on 9 December 2010.

- **RESOLVED** that a notice to comply be issued to the lessee of Lot 5 (Bella Costa) for breach of by-laws 37.1 and 37.2 for tampering with the common door lock to the common security door at the end of the restaurant tunnel. **NOTE:** The Owners Corporation will install a sign that advises the residents & visitors that the door is alarmed.

- **RESOLVED** that notice to comply be issued to the owner of Lot 73 (Apartment C45) Ms Marcelle Pearson for breach of by-law 32.1 for parking a vehicle belonging to her lot on common property without approval from the Owners Corporation.
- **FURTHER RESOLVED** that after listening to the concerns raised by the owner of lot 73 who was present at the meeting, the committee agreed to provide her with the requested log details recorded in respect to the alleged parking bylaw breaches.

Motion 12
Informal meeting with Restaurateurs

RESOLVED that the Managing Agent is obtain a couple of available dated at the end of January 2011 from Dunstan De Souza of Lot 18 in respect to an informal meeting amongst the commercial lot owners & restaurateurs to draft appropriate bylaws to present to the Annual General Meeting.

MOTION 13
Date for the next Executive Committee Meeting

The next meet is set for **Wednesday 23 February 2011 at 7.00pm** to be held in the offices of Strata Title Management.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS DECLARED CLOSED AT 9.10PM.

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Dated 22nd Day of December 2010