STM | STRATA TITLE MANAGEMENT
your strata care company

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MINUTES OF EXECUTIVE COMMITTEE MEETING OF THE OWNERS CORPORATION

MINUTES OF BUSINESS dealt with at the
Executive Committee Meeting of the
Owners Corporation of **Strata Plan 50785**
Held in the Offices of Strata Title Management
Located on Mezzanine Level of 191-193 Taren Point Road, Taren Point
on **Tuesday, 10 September 2013** commencing at **6.30pm**

PRESENT:	S Jarvis (Lot 34), K O'Shea (Lot 56), R Earle (Lot 90 & 96), J Farlow (Lot 91), Mr T Korbell (Lot 104)
PROXY:	C Beebe (Lot 54) to K O'Shea
APOLOGIES:	C Beebe
IN ATTENDANCE:	G Macris (Lot 46) - *Mr Macris left the meeting at 6.55pm* D De-La-Garde (Lot 55) C Lock (Lot 51) D Gourley (Lot 83) N Bayliss (Lot 86) M Earle (Lot 90 & 96) John Stevens of PREMIER CONTRACT CLEANING PTY LTD Nina Ashfield-Howell of STRATA TITLE MANAGEMENT
CHAIRMAN:	Nina Ashfield-Howell

There being a quorum present the chairman declared the meeting opened at 6.38pm.

MINUTES

DUE TO THE ATTENDANCE OF GARY MACRIS, OWNER AND OPERATOR OF OPAH RESTAURANT, THE EXECUTIVE COMMITTEE AGREED TO RUN THE MOTIONS OUT OF NUMERICAL ORDER AND COMMENCE WITH MOTION 7.

MOTION 7
Consumer, Trader & Tenancy Tribunal (CTTT) Orders

In the first instance, it was noted that Gary Macris attended the meeting to put forward a proposal he had for the Executive Committee to consider concerning a replacement atrium structure over the lift shaft adjacent to his restaurant. Accordingly, Gary Macris was invited to present his proposal. Gary Macris provided architectural plans and diagrams of what his proposal is for a replacement of the atrium structure over the lift shaft adjacent to Lot 21 which also included shading structures to the area adjacent to his lot. Gary indicated that the works proposed was quoted to be around $170,000.00 in total.

Gary Macris provided a verbal offer to contribute $100,000.00 towards the cost of the project and undertook to be responsible for ongoing future repairs and maintenance of the structures. This offer was made on the condition that formal authority from the owners corporation is provided to him to use the area outside his lot for the purpose of setting up tables and chairs for use by patrons of his restaurant.

Gary Macris was requested to put his proposal in writing and forward a copy of the plans and diagrams to the strata manager for distribution to the Executive Committee to review in their own time.

Gary Macris then left the meeting.

The Executive Committee **NOTED** that the CTTT hearing held on 22 August 2013 was adjourned to a date yet to be determined by the Registrar.

The Executive Committee discussed the proceedings in detail and requested that Adrian Mueller Solicitor provide his professional view on their chance of success and provide an estimate on remaining legal costs. The strata manager was also requested to obtain advice from Adrian Mueller concerning on the legalities of whether the owners corporation can enter into a licence agreement or contract with the tenant of Lot 21 rather than with the owner concerning a replacement structure and future maintenance costs.

MOTION 1
Minutes

RESOLVED that the minutes of the previous Executive Committee meeting held 18 June 2013 be confirmed as a true and accurate account of the proceedings of those meetings.

MOTION 2
Vacancy on Executive Committee

RESOLVED that John Forrest be appointed to fill the vacancy on the Executive Committee, left as a result of the resignation by Sue Schembri.

MOTION 3
Financial Statements

RESOLVED that the financial statements for the period 1 March 2013 to 3 September 2013 be adopted with the following noted:

1. Current figures are as at 3/9/13, while last year's figures are as at 28/2/2012
2. Current Owner's Funds are at $1.09 million, while cash/investments are at $1.04 million
3. $500,000 has recently been placed in a term deposit covering the budgeted balustrading cost and related in part to special levies received.
4. Administration & Sinking Fund incomes are in line with budget, and with $119,318 receipts from the 1/9/2013 special levy to be transferred from the Admin Fund to the Sinking Fund.
5. Administration Fund expenditure is tight against a very tight budget, with legal fees already exceeding the annual budget and these will blow out further. We need to be prudent with future expenses here for the remainder of our current financial year.
6. Sinking Fund expenditure is way below budget but then pool refurbishment plus pool fence replacement expenses are yet to be paid, while projects such as balustrading and lot 21 OPAH 'roof' expenditure/cash flow have yet to be commenced. Available funds here, mainly associated with the pool refurbishment expected to come in well below budget, will now allow for the redefined/reduced BuildSense work to be completed this financial year
7. Working with STM to resolve the imbalance with advance levy payments whereby currently gross receipts are posted in the month due while discounts are posted in the month they are taken.

MOTION 4
Building Manager's Report

RESOLVED that the Building Managers report was tabled and that a copy be affixed to the Minutes Book with the following additional actions noted/determined:

- **Pool Update –** It was noted that the pool lighting has been installed and the new coping tiles (selected by the Executive Committee) will be installed in the next or so. Once installed, the preparation works will be finalised and the new fibreglass laminate will be installed. New waterline tiles that have been approved by the Executive Committee will then be installed. The estimated completion time of the works is 3-4 weeks (weather permitting).

- **A1 Common Area Stairs –** It was noted that one of the residents recently slipped down the stairs leading to 'A' block. The building manager arranged for non slip tape to be installed to those stairs which has now resolved the problem.

- **Fire Door Replacements** – It was noted that Gwando Fire Doors has completed the 7 fire door and fire door replacements. Quotations from received from:

  1) Higgins Painting Services - $1,400.00 plus GST
  2) Miranda Painting Services - $2,100.00 plus GST

  It was agreed to proceed with Higgins for the price of $1,400.00 plus GST to paint each of the new fire doors and fire frames.

- **Loading Dock Roller Shutter –** It was noted that the garbage room roller shutter was replaced by Able doors as the old shutter was difficult to open and in need of repair. It was decided to replace with a solid type door with open slates for cost of $1,800.00 plus GST.

- **Garbage Room Compactor** – It was noted that the garbage compressor recently seized up and has since been replaced with a new compressor. The new compressor was installed National Air Compressors for the cost of $5,060.00.

- **Balcony Of Apartment C65** – It was agreed that the building manager arrange for the repainting of the walls and ceiling to the balcony of Apartment C65 as these areas were missed by the previous painting contractor and to accept the quotation from Higgins Painting Services for a price up to $2,000.00 to carry out this work. However it was NOT agreed to include the repainting of the balcony railings as they will be replaced in due course.

- **Pool Fencing** – It was noted that Colorfen Constructions provided an updated quotation of $21,750.00 inclusive of GST for replacement of the existing pool fencing. This quotation was accepted by the Executive committee subject to the building manager obtaining confirmation in writing from the contractor to confirm that the proposed new pool fence is fully compliant with all current codes and regulations. The new fencing will be installed in approximately 6 weeks once the order is made.

- **Diesel Hydrant Pump Pipes** – It was noted that the diesel hydrant pump were rusted and were in the process of being replaced.

- **Fence Adjacent to Laneway down to A block** – It was noted that the paint work to the boundary fence adjacent to the rear laneway is bubbling in sections. The building manager is to arrange for Colorfen to look at this and provide a quotation on the repair or replacement of the fence. This is to be arranged as a separate matter to the pool fencing so as not to delay the pool fencing works.

- **Moving In and Out** –It was noted that paintwork along the corridor off the loading dock suffers damage each time a resident moves in or out of the complex. As such, the building manager was requested to look at options to protect this area, such as checker plate or metal angles.

MOTION 5
Balcony Railings

NOTED that Alan Bailey had provided a bill of quantities for the balustrade replacement at the last informal meeting and that Feenix (Supplier & designer of high quality balustrades) were invited to the next informal meeting to discuss possible balustrade design options suitable to Cote d'Azur. It was agreed that John Forrest join the sub committee due to his engineering background and undertook to also look into possible design options for consideration by the Executive Committee at the next informal meeting.

RESOLVED that the strata manager update the insurer on the status of progress concerning the balcony railing replacements i.e. that design options are currently being reviewed and that the final special levy to cover the cost of the works is due 1/11/2013.

MOTION 6
Building Works

RESOLVED to rescind the previous decision of the Executive Committee to remove Apartments C74 and C75 from the Buildsense contract and add the works required to these two apartments back into the contract.

It was noted that Neville Bayliss spent a fair amount of time surveying the owners/residents of apartments where works have recently been performed by Buildsense or are yet to be performed by Buildsense.

Neville found that some owners were happy with the works carried out by Buildsense and some owners did not have any water ingress problems that they were aware of. As such, Neville was able to revisit the building works contract with the approval of the owners involved and the contractor. This resulted in a reduction of $132,550.00 to the Buildsense final contract price. Buildsense confirmed that the changes to the contract would not affect any warranties provided by them.

As a result the remaining amount payable to Buildsense for the remaining works was now down to $164,000.00. Accordingly, the current cash flow was discussed and it was agreed that there was sufficient funds to allow Buildsense to proceed and finalise the works required to all the remaining apartments to A, B & C Blocks. Kevin O'Shea was authorised to sign off on the variation with Buildsense for Apartments C74 & C75.

A vote of thanks was extended to Neville Bayliss and John Stevens for their contribution to achieve this result.

MOTION 8
By-Law Review

NOTED that the first draft of the comprehensive by-law review was received from Adrian Mueller Solicitor however it was agreed that further work is needed which Carey Beebe is currently working on with Adrian Mueller. John Farlow raised questions concerning a number of the proposed new by-laws and agreed to put those questions in writing and direct them to Carey Beebe for his initial review, consideration and comment.

MOTION 9
Restaurants

RESOLVED that a different approach should be attempted by the Executive Committee to seek co-operation from the commercial lot operators in relation to any matters that arise in the near future. It was noted and agreed that Kevin O'Shea and Stephen Jarvis will meet with the commercial lot operators to discuss the cleanliness and upkeep of the common area walkways, trading beyond exclusive use boundaries and any other general matters concerning compliance with by-laws.

MOTION 10
By-Law Breaches

NOTED that there were no alleged by-laws breaches to discuss at this time.

MOTION 11
Application to CTTT against Lot 21

A. **MOTION DEFEATED** - That an Application for Mediation at Fair Trading be lodged in an attempt to resolve the issue of Lot 21 failing to remove the discarded and unused air conditioning and associated equipment from the common property roof.

B. **MOTION DEFEATED** - Should the mediation attempt fail, that an Application for an Order by an Adjudicator be lodged at the Consumer, Trader and Tenancy Tribunal (CTTT) for the owner of Lot 21 to arrange the removal of the discarded and unused air conditioning and associated equipment from the common property roof.

After noting that the owner of Opah Restaurant denied ownership of the discarded and unused air conditioning equipment and the probable costs involved in mediation and possible CTTT action against the owner of Lot 21, it was agreed to move forward without further delay and arrange for the items to be removed at the owners corporations expense. A limit of up to $3,000.00 was the agreed amount the building manager was authorised to spend on the removal of these items.

MOTION 12
Section 45 Notices - Notice to Comply (NTC) with a By-Law

A. **MOTION DEFEATED** - In accordance with Section 45 of the Strata Schemes Management Act 1996, that a Notice to Comply with a By-Law be served upon the occupants of **Lot 4** (**Shop 2 - Splash**) for breach of Special By-Law 1 by trading beyond their exclusive use boundary i.e. by placing chairs and tables associated with their business beyond the exclusive use lines of the lot on a daily basis despite a number of written requests and warnings.

B. **MOTION DEFEATED** - In accordance with Section 45 of the Strata Schemes Management Act 1996, that a Notice to Comply with a By-Law be served upon the occupants of **Lot 12** (**Restaurant 2 - Zink**) for breach of Special By-Law 1 by trading beyond their exclusive use boundary i.e. by placing chairs and tables associated with their business beyond the exclusive use lines of the lot on a daily basis despite a number of written requests and warnings.

C. **MOTION DEFEATED** - In accordance with Section 45 of the Strata Schemes Management Act 1996, that a Notice to Comply with a By-Law be served upon the occupants of **Lot 21** (**Restaurant 3 - Opah**) for breach of Special By-Law 1 by trading beyond their exclusive use boundary i.e. by placing chairs and tables associated with their business beyond the exclusive use lines of the lot on a daily basis despite a number of written requests and warnings.

As an alternative, it was noted and agreed that Kevin O'Shea and Stephen Jarvis will talk to these specific commercial lot operators in an attempt to amicably resolve these alleged by-law breaches.

MOTION 13
Renovation to Apartment C27

RESOLVED that the application received from the owner of Lot 55, Apartment C27 to replace the existing balcony tiles to Lot 55 with a tile that does not match the original in terms of appearance be approved subject to the formal terms and conditions previously supplied to the owner.

MOTION 14
Next Executive Committee Meeting

RESOLVED that the next formal Executive Committee meeting be held on **Tuesday, 10 December 2013** at the office of Strata Title Management, Mezzanine Level, 191-193 Taren Point Road, Taren Point commencing at 6.30pm.

FURTHER RESOLVED that monthly informal gatherings/meetings also be held with the Executive Committee Members in the BBQ/Gym area at 1-3 McDonald Street, Cronulla on the following dates:

- Tuesday, 8 October 2013 – Commencing at 7.30pm
- Tuesday, 12 November 2013 – Commencing at 7.30pm

Margaret Earle kindly undertook to take notes at these informal meetings to be titled '*Progress Report on Executive Committee Activities*'. This document will be used to keep owners informed and updated on matters at hand.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.40PM