STM | STRATA TITLE MANAGEMENT
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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 **Wednesday, 12 March 2014** commencing at **6.30pm**

PRESENT:	J Forrest (Lot 39), C Beebe (Lot 54), K O'Shea (Lot 56), R Earle (Lot 90 & 96), E Korbel (Lot 104)
PROXY:	J Farlow (Lot 91) to E Korbel
APOLOGIES:	J Farlow, S Jarvis
IN ATTENDANCE:	M Peoples (Lot 9), R McCubbin (Lot 17), A Bailey (Lot 71), D Gourley (Lot 83), N Bayliss (Lot 86) John Stevens of PREMIER CONTRACT CLEANING PTY LTD Nina Ashfield-Howell of STRATA TITLE MANAGEMENT
IN ATTENDANCE FOR MOTION 9 ONLY:	P Dransfield (Lot 1), R Christou & K Mystriotis (Lot 2), J Natale (Lot 3), S Trovato (Lot4), T Kondevski (Lot 5), G Arkins (Lot 12), P Carvardos (Lot 21)
CHAIRPERSON:	Nina Ashfield-Howell

There being a quorum present the chairman declared the meeting opened at 6.34pm.

MINUTES

DUE TO THE ATTENDANCE OF A NUMBER OF COMMERICAL LOT OWNERS AND RESTAURATEURS CONCERNING THE COMMERICAL LICENCE FEE, THE EXECUTIVE COMMITTEE AGREED TO RUN THE MOTIONS OUT OF ORDER AND COMMENCE WITH MOTION 9.

MOTION 9
Quarterly Licence Fee under Special By-Law 42.5

Kevin O'Shea opened the discussions concerning the licence fee and suggested that another meeting or meetings be held, specific to the charging of the licence fee and other matters relating to the commercial lots, to allow further time to review the many years of documentation on this matter. It was further suggested that both the Commercial and Residential select three members each to represent them at the suggested meeting.

Mr O'Shea advised the meeting that he proposed to put forward a motion to the Executive Committee to this effect and to waive the current quarterly licence fee which the commercial lot attendees were supportive of.

At this point, all attendees were asked to leave the meeting room to allow the Executive Committee members the opportunity to discuss this further and take a vote on the matter.

Mr O'Shea moved the following motion:

That a specific meeting or meetings be held with 3 representatives of the Commercial and 3 representatives of the Residential to discuss and resolve the licence fee under Special By-Law 42.5, and any other matters relating to the commercial lots, and that the current licence fee for the period 1 March 2014 to 31 May 2014 be waived.

After discussion, the proposed Motion was amended to defer the fee.

RESOLVED that a specific meeting or meetings be held with 3 representatives of the Commercial and 3 representatives of the Residential to discuss and resolve the licence fee under Special By-Law 42.5, and any other matters relating to the commercial lots, and that the current licence fee for the period 1 March 2014 to 31 May 2014 be deferred.

It was further agreed that once the three representatives from each side is determined, the Strata Managing Agent is to be notified to enable the date of the meeting to be arranged. The meetings are to be held fortnightly until the matter is finalised.

THE EXECUTIVE COMMITTEE AGREED TO CONTINUE TO RUN THE MOTIONS OUT OF ORDER AND MOVE TO CONSIDER MOTION 3 DUE TO THE ATTENDANCE OF ALAN BAILEY AND PRIOR TO THE REVIEW OF THE ANNUAL BUDGET.

MOTION 3
Balcony Railings

Alan Bailey, owner of Lot 71 and member of the Balcony Railing Sub Committee kindly provided four balcony railing replacement options and pricing (provided by FEENIX) for initial consideration by the Executive Committee. The options and estimated costings were as follows:

Option A – Frameless glass fitted to existing hob & top rail
Approximate Cost $712,000.00 plus GST

Option B – Frameless glass without top rail and with increased thickness to glass
Approximate Cost $698,000.00 plus GST

Option C – Use existing holes/glass over hob
Approximate Cost $840,000.00 plus GST

Option D – Powder coated rectangular balustrade with top rail
Approximate Cost $643,000.00 plus GST

It was noted that the above pricing includes allowances for removal of existing railings, final measure, supply and install of new railings, straight and curved glass, variation inclusion for spalling to balcony hobs, contingency, Home Owners Warranty Insurance and project management fees.

It was also noted that even with these increased estimates, there is sufficient funds within the Sinking Fund to cover this expense without the need for a further special levy.

It was agreed to engage a project manager to facilitate the entire project from the preparation of the scope of works right through to completion and sign off.

Alan Bailey undertook to facilitate a reverse brief tendering process concerning the appointment of a project manager. The reverse brief to be put out to the market for a fixed price contract and once tenders are received from prospective project management firms, they are to be provided to the Executive Committee for a decision.

THE EXECUTIVE COMMITTEE AGREED TO CONTINUE TO RUN THE MOTIONS OUT OF ORDER AND MOVE TO CONSIDER MOTION 11.

MOTION 11
Restaurants

RESOLVED that the following matters relating to the commercial lots were discussed and resolved as follows:

A. **Exhaust alteration to Alphabet Street without formal approval –** The Strata Managing Agent was requested to write to the lot owner and operator of Alphabet Street concerning the unauthorised alteration to the exhaust fan and instruct that an in-line exhaust system be reinstated below the height of the parapet wall and that all surplus equipment be removed from the roof once the works is finalised.

B. **Odours emitting from exhaust systems** – The Executive Committee acknowledged receipt of complaints received from residential occupants concerning the odours emitting from the commercial exhaust systems. It was agreed that this matter be revisited for review by an exhaust odour specialist. It was further noted that Amodus, Giro Osteria, Splash and Alphabet Street restaurants leave their rear doors open to allow air flow into their kitchens which further contributes to the smell affecting the residential occupants.

C. **Hours of Commercial Lots** – It was noted that on a number of occasions, staff of Giro Osteria have been working up to 2.00am, well beyond their permitted close of trade. The resultant noise has been negatively impacting on residential properties above. The Strata Managing Agent is to raise this concern with the restaurant operator to seek their co-operation in resolving future noise disturbances of this kind.

D. **Bread & Milk Crates & Littering of Cigarette Butts** – It was noted that bread and milk crates are continuing to be left out on Perryman Square on a regular basis and cigarette butts are still being littered by patrons of the commercial lots. These concerns are to be raised with the Commercial Sub Committee at the meeting to work out possible solutions.

E. **Parking of Commercial Vehicles** – The Executive Committee acknowledged three recent near miss incidences within the basement involving vehicles belonging to commercial operators. The Executive Committee agreed that the parking of vehicles in the middle of the driveway, in front of the garages, by the commercial lot operators is a privilege and not a right. The Executive Committee wish to remind all residents to take care and drive safely in the basement by installing 5km/hr Maximum Limit signage in various locations within the basement.

F. **Smell from Drain into Apartment A4** – The owner reported smell up through laundry sink and drain which she feels is related to the grease trap. It was agreed that the building manager arrange a plumber to investigate further.

THE EXECUTIVE COMMITTEE AGREED TO CONSIDER THE REMAINING MOTIONS IN NUMBERICAL ORDER.

MOTION 1
Minutes

RESOLVED that the minutes of the previous Executive Committee meetings held 10 December 2013 be confirmed as a true and accurate account of the proceedings of that meeting.

MOTION 2
Financial Statements

RESOLVED that the financial statements for the period 1 March 2013 to 28 February 2014 be adopted. It was noted that the cash at bank balances as at 28 February 2014 were as follows:

Administration Fund Balance	**$ 83,984.70**
Sinking Fund Balance	**$911,631.07**

Due to substantial levy arrears for Lot 21, the Strata Managing Agent was requested to order a title search and confirmed that Teys Lawyers have been appointed on behalf of the owners corporation to commence debt recovery proceedings.

MOTION 4
Proposed Budget

RESOLVED that the proposed budget and contributions for the financial year **1 March 2013 to 28 February 2014** be accepted for consideration by the owners corporation at the forthcoming Annual General Meeting.

It was noted that the proposed Administration Fund levy contributions represented a 1.9% increase which is less than CPI. The proposed Sinking Fund levy contributions are to remain the same as last year.

MOTION 5
Building Manager's Report

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

- **Sydney Water Backflow Device**
  A proposal was received for the estimated price of $10,000.00 to install a backflow prevention containment device as instructed by Sydney Water. It was agreed that this work must proceed however the building manager was first requested to obtain a formal quotation and breakdown of costs from the contractor.

- **Proposed Storage Area for Contractors**
  It was noted that there is a vacant area on Basement level 2 which could be used as an area for onsite tradesmen and their equipment. It was agreed that this is not a priority at this time however the building manager was requested to obtain a proposal from a contractor to determine the costs to appropriately convert the area.

- **PRIDE Team**
  A sincere vote of thanks and gratitude was extended to Neville Bayliss (founder of PRIDE) and the members of the PRIDE Team for their dedication and valued contribution at the building. It was noted that a feeling of good will is forming around the complex as a result of the work undertaken by the PRIDE team.

MOTION 6
Building Works Protocol

MOTION DEFERRED TO ALLOW MORE TIME FOR EXECUTIVE COMMITTEE TO REVIEW AND PROVIDE INPUT ON PROPOSED PROTOCOL DRAFTED BY JOHN FORREST - That the Executive Committee establishes an agreed protocol with respect to facilitating and coordinating building works and the complex.

MOTION 7
Building Works

A. It was noted that practical completion was reached on 21 February 2014 for the works carried out under the Buildsense Contract. It was further noted that there is a defect maintenance period of 16 weeks which ceases on 13 June 2014.

It was also noted that works to A8 & A11 were not completed by Buildsense . The building manager is to arrange another contractor to quote on the remaining works in accordance with the scope of works.

B. **RESOLVED** that Variation 6 from Buildsense to finalise the works be approved and executed subject the following amendments:

- Variation 6 to include deductions of approximately $3,300.00 to remove, hoard up, and reinstate sliding doors for unit A11 which Buildsense withdrew from doing.

- Variation 6 to include a rebate of $350.00 for carpet allowance to Apartment C26.

MOTION 8
Lot 21 Lift Tower CTTT Appeal Result

The result of the CTTT appeal was acknowledged confirming the original "Order 3" handed down was upheld by the Tribunal making the owners corporation responsible to render the Lot 21 lift tower/gazebo into a state of good and serviceable repair.

A quotation from George Walker & Son was tabled and considered for the repair of the gazebo for the price of $15,680.00 plus GST.

RESOLVED that the quotation dated 11 March 2014 from George Walker & Son for the price $15,680.00 plus GST be accepted to repair the gazebo.

Neville Bayliss undertook to liaise with George Walker to minimize disruption to trading of Zink & Opah. The Strata Managing Agent undertook to speak with the Opah operator in relation to the timing of this work.

The Strata Managing Agent was requested to obtain a revised quotation from Neil's Glass to replace the cracked glass panel that was previously approved by the building insurer. Once received, the revised quotation is to be referred back to the insurance company for confirmation on approval to proceed.

MOTION 10
By-Law Review

It was noted that Dunstan de Souza, owner of Lot 18, is currently reviewing the first draft of the proposed new set of by-laws. Carey Beebe undertook to follow this up.

MOTION 12
By-Law Breaches

RESOLVED that the following breach of by-law was determined:

A. **Parking** – For the purpose of uniformity and fairness, it was **RESOLVED** that the motor bike area on B1 be reverted to visitor use only. It was noted that the owner of the motor bike currently parked in this area will be determined and notified to remove the bike.

MOTION 13
Section 45 Notices - Notice to Comply (NTC) with a By-Law

A. **MOTION WITHDRAWN AS TENANT WILL BE VACATING SHORTLY** - That, in accordance with Section 45 of the Strata Schemes Management Act 1996, a Notice to Comply with a By-Law be served upon the occupants of **Lot 96** (**Apartment C68**) for breach of special by-law 32.1 in relation to parking vehicles on common property without the approval of the owners corporation despite repeated requests.

B. **RESOLVED** that, in accordance with Section 45 of the Strata Schemes Management Act 1996, a Notice to Comply with a By-Law be served upon the occupants of **Lot 66** (**Apartment C38**) for breach of special by-law 32.1 in relation to parking vehicles on common property without the approval of the owners corporation despite repeated requests.

C. **MOTION WITHDRAWN AS TENANT WILL BE VACATING SHORTLY** - That, in accordance with Section 45 of the Strata Schemes Management Act 1996, a Notice to Comply with a By-Law be served upon the occupants of **Lot 96** (**Apartment C68**) for breach of special by-law 37.2 in relation to keeping the garage door open despite repeated requests.

MOTION 14
PRIDE Update

It was acknowledged that monthly updates are being provided by the PRIDE volunteer group which are uploaded to the cote website for the information of all residents.

MOTION 15
Annual General Meeting & Next Executive Committee Meeting

RESOLVED that the Annual General Meeting be held on **Tuesday, 29 April 2014** in the BBQ area of 1-3 McDonald Street, Cronulla **commencing at 6.30pm.**

RESOLVED that the next Executive Committee Meeting be held immediately following the Annual General Meeting on Tuesday, 29 April 2014 in the BBQ Area of 1-3 McDonald Street, Cronulla.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.20PM