

**MINUTES OF A COMMITTEE MEETING OF CATHEDRAL PLACE COMMUNITY  
BODY CORPORATE MCP 106902 HELD AT THE MEETING ROOM, CATHEDRAL  
PLACE ON MONDAY 9 JULY 2007 AT 6.00 PM**

**Representation:**

Peter Zunker	Cathedral Place 'A' – Notre Dame
Pat Brown	Cathedral Place 'B/C' – Oxford & Cambridge
Tony Rich	Cathedral Place 'D/E' – Canterbury & Westminster
Randall Edwards	Cathedral Place 'F' – Duhig ** See below
Ken Morrisby	Cathedral Place 'G/H' – Kensington & Sandringham
John Gilliland	Cathedral Village
Conrad Beal	Body Corporate Manager, Representing Archers Body Corporate Management Pty Ltd

**Quorum:** It was noted that a quorum was declared constituted there was more than half (50%) of all members of the committee being present.

**Chairman:** The members elected Conrad Beal to chair the meeting, and he agreed to chair the meeting.

**\*\*Representative for Duhig**

Randall Edwards was present at the start of the meeting, having advised he had been appointed as the Duhig representative by the Duhig Committee.

He had provided a Notice from the Duhig Body Corporate signed by the Chairman and the Secretary following a vote by the Duhig Committee as follows: "Please be advised that, in accordance with the requirements of Section 169 (4) of the Mixed Use Development Act 1993, notice is hereby given to the Secretary that the person to represent the Body Corporate for Duhig BUP 106965 at meetings of the Cathedral Place Community Body Corporate MCP 106902 is Randall Edwards."

Section 169 (5) of the Mixed Use Development Act 1993 states that the appointment of a person continues until the Secretary, Community Body Corporate MCP 106902 for Cathedral Place receives a notice of the appointment of another person.

There was discussion regarding the legality of the requirement to accept the Notice and his appointment. Randall Edwards had provided legal advice on the legality of the appointment, a copy of which had been given to the Body Corporate Manager. Conrad Beal confirmed the advice following a check of the legislation before the meeting.

It was noted that Barry Budd had not attended the last 3 consecutive Committee Meetings, had been sick for the previous two and provided a proxy to Tony Rich, the Representative for Canterbury & Westminster to vote on his behalf. Some members considered this as having been granted leave.

Section 186 (1) of the Mixed Use Development Act 1993 requires that his position be automatically declared vacant when he is absent without leave granted by the Executive Committee for 3 consecutive meetings,

Some members considered acceptance of his apology because of sickness and provision of his proxy to another member constituted his attendance. The advice was to the contrary, and Section 169 (4) Notice overrules this

No vote was taken on the appointment as the Committee is deemed to be required to accept the appointment. Peter Zunker to table advice on the matter at the next meeting.

Members requested a copy of the advice and what advice was requested. Randall Edwards advised this privileged information, was a matter for the Duhig Committee, and not this Committee, and would not provide a copy. Tony Rich requested a vote on the provision of the advice and what advice was requested

**Lost For – 2 Against – 3 Abstain - 1**

**2. Building Management Report:**

A Resident Managers Report was not provided. Conrad Beal went through some items requiring attention regarding building maintenance received from Michael Johnston

**Car Park Roller Doors**

Michael Johnston had provided advice of problem and quote from I Deal Doors on car park roller doors. Curtain slats are damaged beyond repair. Option to repair @ \$1203.07 and replace curtain @ \$2088.90

**Motion - to accept quote from I Deal Doors to replace curtain @ \$2088.90**

**Carried 6 For, 0 Against**

**Fire Safety Equipment Repairs**

Michael Johnston had provided advice of report and quote from Spectrum Fire on required repairs and replacements required to fire safety equipment following an inspection of fire doors.

The quote totals \$23,199.00, with work required in Buildings A, D, E, F, G, H, and Community common areas, fire door replacement being the major item. Replacement of 16 fire doors required because they do not have a tag. Fire doors required at D & E - 3, F - 3, G & H - 2, Basement - 8

Spectrum report states - in relation to the fire doors - "Your options are to contact the original installation company of your fire doors to request the certification and tags, or alternatively have the doors replaced and tagged upon installation Michael Johnston asked whether this option has been investigated whether this option has been investigated, an whether a handyman could do door stops at a lesser cost, and to provide a cost of painting, which is not included in the quote.

**Motion - That** Body Corporate Manager to approach Spectrum Fire, advising they have been doing fire safety work at Cathedral Place for some years, and why has all this come up now, never been previously advised, and why they do not comply.

**Carried 6 For, 0 Against**

**Motion - That** replacement or repair of fire safety equipment located in a subsidiary body corporate and providing service to only that body corporate to be the responsibility of that body corporate

**and that** Body Corporate Manager to obtain from Spectrum Fire:-

- a. A quote for each subsidiary requiring work, and pass that quote on the relevant Committee for approval, and a quote for work required on Community common areas for the next CBC Committee meeting; and
- b. Advice on all essential items

**Carried 6 For, 0 Against**

**Water Meters**

Michael Johnston has contacted Brisbane City Council about water meters. A copy of his report was handed to members and the basics of the situation were discussed.

Each subsidiary residential block has meters, but not Cathedral Village. Water to units is currently charged on estimated usage. It is unknown whether residents are paying too much. There are several options, which were discussed.

**Motion - That** Michael Johnston provide a costing of the various options for consideration by the Committee

**Carried 6 For, 0 Against**

**Workplace Health & Safety Report Update**

Conrad Beal had requested Michael Johnston to provide an update on any outstanding items from the report.

Some other items were also raised

#### Water Management Plan

John Gilliland requested advice from Peter Zunker as to the progress on obtaining the required Water Management Plan previously requested. It is understood to be in progress.

**Motion – That** Michael Johnston contact Watts Energy, who do such plans, and make the required arrangements.

**Carried 6 For, 0 Against**

#### **3. Confirmation of Minutes of previous meetings:**

**Motion – That** the Minutes of the meeting held on 21 May 2007 with agreed amendments be accepted as a true and correct record of proceedings

**Carried 6 For, 0 Against.**

#### **4. Business Arising:**

##### Electricity Dividend

The dividend was discussed, and tax payable question was discussed. Conrad Beal presented written advice from Colin Archer, Archer Gowland, Accountants.

Peter Zunker raised concern of how any dividend is divided, and that it should be by profit allocation until all tax break expenses are used.

The tax advice was discussed and need to write off all expenses that can against any dividend payable.

Conrad Beal to :-

- a. Check 2005/2005 budget to discover if legal costs incurred in that year were budgeted in the Electricity Budget,
- b. Check the content of the expenditure for legal costs in the Electricity Fund.
- c. Check for any ERC litigation costs in 2005/2006
- d. Arrange a prior year adjustment for 2006/2006 as required

**Motion – That** profit disbursement not to proceed until expenses are recouped

**Carried 6 For, 0 Against.**

##### Caretaker's Salary

Peter Zunker provided a data sheet for allocation of "remaining amount" of Caretaker's Salary from Restricted to Unrestricted in the Administration Fund, and explained the allocation.

A further adjustment was made, with more being added to the Restricted Budget

John Gilliland questioned how any allocation could be made to the Unrestricted when the Agreement does not include Cathedral Village, and that the expenses detailed do not relate to Cathedral Village.

The matter to be further discussed.

##### Sinking Fund

Peter Zunker provided data on allocation of Sinking Fund expenses, and these were discussed.

It was agreed that the current By-laws do not cover the gym, easements, and exclusive use areas (incl car spaces), and that they require amendment, and that the only item in Unrestricted is painting.

Peter Zunker advised he wants ensure that, with the new Restricted and Unrestricted Budgets, that the carry over balance is correct as to new amended budget allocations. He advised he will be putting in a motion to allocate expenditure from current year as to the new amended budget allocations.

Peter Zunker tabled an email from Napier Blakely regarding the involvement of John Gilliland in the formulation of the Sinking Fund budget. John Gilliland

advised he had a conversation and answered questions, none of which he considered to be giving instructions.

Ken Morrisby recommended that the current forecast be used until the end of its forecasted period, the end of the next financial year.

Peter Zunker advised that if it is not clearly defined in the By-laws as a Restricted item it must be included in Unrestricted. This was challenged with the need for the body corporate to consider access and right of use.

Conrad Beal raised the situation where the By-laws has 507 lot entitlements recorded, not 541 or 650, and Cathedral Village is not recorded in these By-laws. Peter Zunker advised that Leary & Partners (Kaylene Arckoll, lot entitlement specialist) had advised him that the By-laws could be used to provide the lot entitlement distribution. Conrad Beal raised the situation that the next budgets would, if they were calculated as per the B-law, have to be based on the 507 lot entitlements.

The 507 lot entitlements are divided as follows:

- Notre Dame – 157/507 share
- Oxford & Cambridge – 72/507 share
- Canterbury & Westminster – 98/507 share
- Kensington & Sandringham – 96/50-7 share
- Duhig – 84/507 share

The matter to be further discussed.

#### Dispute 0312A – 2007

Conrad Beal advised that the extension for the Committee to lodge a submission closes 12<sup>th</sup> July, and requested the Committee to advise if it wished to lodge a submission.

John Gilliland read out and provided the following motion from himself and Ken Morrisby for the Committee to vote on

**Motion – That** the Community Body Corporate MCP 106902 provide a submission to the Commissioner for Body Corporate and Community Management with regards to Dispute No 0312A-2007 supporting the application from Cathedral Village Body Corporate on the matter of the Zunker family Conflict of Interest reference prepared by NRH lawyers and that this submission be lodged with the Commissioner by the closing date for submissions, that being 12 July 2007-07-16

John Gilliland advised Peter Zunker he had a conflict of interest on this matter and could not vote. Peter Zunker disagreed and advised he would be voting on behalf of his lot holders. The Chairperson for the meeting, Conrad Beal, was requested by John Gilliland to rule on his ability to vote given his conflict of interest. Conrad Beal advised that the legislation is quiet on this issue, and there is an Order expected from the Commissioner on the conflict of interest, and ruled that Peter Zunker could abstain but he would not rule him ineligible to vote.

John Gilliland advised the Chairperson for the meeting, Conrad Beal, that he could, in accordance with the Mixed Use Development Act 1993, vote where there is equal votes. Conrad Beal advised he was aware that this could be the situation in a General Meeting, but not a Committee Meeting. John Gilliland advised he had been advised that it does also refer to a Committee meeting

Conrad Beal advised, as he is not a lot holder in the scheme, he did not consider he could vote on this issue, and abstained from voting.

The motion was then voted on

**Motion Lost 3 For, 3 Against**

#### Electrician's report

Conrad Beal had passed advice from the electrician, Geoff Magoffin, that he had been unable to provide his report in time for the meeting, and would provide it within 1 month. John Gilliland advised he had done some work, including the installation of a meter for the lift.

#### 5. Correspondence

A letter from Peter Lewis, owner of Lot A58 in Notre Dame about Coca Cola machines on common property was presented to members and discussed.

Mr Lewis expressed his concerns to both the CBC Committee and Notre Dame Committee. Peter Zunker took on board any matters relating directly to Notre Dame. Mr Lewis advised his concerns about Coca Cola machines that have been located on common property without written or agreed approval and utilising body corporate electricity without payment.

John Gilliland questioned the approval and payment of electricity. Peter Zunker advised answers had been provided in the Manager's report to the Committee Meeting of 16 February 2007, a copy of which is to be sent to all members.

Pat Brown advised he recollected a meeting in 2002 or 2003 that approved the use. Tony Rich advised he would go through the minutes to locate any such record.

Peter Zunker to provide a written reply to the letter from Cathedral Place Management.

To be further considered at the next meeting

#### 6. Finance Report

##### Accounts for Payment

Spectrum Fire - Conrad Beal advised the tax invoice from Spectrum Fire remains unpaid, and the invoice is billed to Cathedral Place. John Gilliland requested that Spectrum Fire be advised that the invoice be billed to Cathedral Village for payment

Carthills (Auditor) - Conrad Beal advised there are 2 tax invoices, each of \$2,200.00, from the auditor, covering audit, post-audit report, work on electricity audit, and audit report.

**Motion - That** the two invoices for \$2,200.00 for Carthills be approved for payment

**Motion Carried 6 For, 0 Against**

##### Accounts for Payment - Nicol Robinson Halletts

The tax invoices previously discussed remain unapproved for payment.

Conrad Beal had sent a new invoice dated 26 June 2007 for work done between 30 April 2007 and 21 June 2007. This expenditure was not approved prior to the work being performed.

Tony Rich was questioned as to the success of his work with NRH in revising the invoices. He advised he had had some success, had found discrepancies, and requested approval to continue this process, and that the invoices not be paid until he had completed his task.

Ken Morrisby recommended that the Committee pay a part of the total as an act of good faith with advice of further payment will be considered following the current review.

**Motion - That** the invoice for \$585.59 for NRH be approved for payment

**Motion Lost 2 For, 4 Against**

##### Levies In Advance

Peter Zunker questioned the amount recorded at "Levies In Advance" Conrad Beal to advise what this amount is about

#### Account for Payment

John Gilliland presented an invoice from B.J. Sampson Pty Ltd for \$77.00. The contractor was engaged to do a survey of electrical meters and charging, but visited for a brief time and did not report or provide any information.

**Motion – That** the contractor be advised that he was engaged to do a survey, and, as there was no information or report provided, or anything usable, that the body corporate will not pay his account as it can not be established that he provided the service requested.

***Carried 6 For, 0 Against***

#### Water

The cost of obtaining the water was discussed.

**Motion – That** Michael Johnston contact the two water carriers previously advised by John Gilliland to get two more quotes to ensure the best price is being obtained

***Carried 6 For, 0 Against***

### **7. Motions from Tony Rich**

#### 1. Costs of Informal Meeting

That any and all costs incurred on behalf of the Body Corporate by Peter Lewis or any person or entity acting on his behalf or following his instructions relating to the informal meeting of select lot owners held at St Paul's Hotel in November 2006, including any legal advice and any other verifiable expenditure incurred without Body Corporate prior approval and as confirmed by resolution, be paid for by Peter Lewis, and, if required, recovered from Peter Lewis

The money had been recovered from Nicol Robinson Halletts, and no further action required

#### 2. Committee- Prior Expenditure Approvals

That any action not duly approved by the Committee as required under Section 47 of the Mixed Use Development Act 1993 (as appropriate) and the Building Units and Group Titles Act 1908 (as appropriate) relating to required expenditure approval procedures for a Committee be found to have not met the required approvals that the action be investigated, and action taken as determined by the Committee

This matter was covered in the previous Committee meeting, and no further action required

#### 3. Nicol Robinson Halletts – Dispense With Services

That the Body Corporate dispense with the services of Nicol Robinson Halletts in the provision of legal advice and that the Body Corporate appoint a new Body Corporate Solicitor and that the Body Corporate enter into negotiations with two legal firms, those being Mark Mellick of McMahon Clark Law and Tony Hawthorne of Nicholson's Lawyers

John Gilliland recommended that NRH be retained because of their knowledge of the scheme and the legislation, that Gadens should also be retained for the same reason, and that Herdlaw be removed.

It was agreed that there be a panel of legal advisers.

Conrad Beal to obtain from four advisers, Gadens, McMahon Clarke Law, Nicholson Lawyers and NRH their experience with the Acts covering Cathedral Place and their fees.

### **8. Motions from Peter Zunker**

#### **Resolution to be voted on -**

#### **Preliminary criteria that needs to be resolved before tendering system starts**

That the Committee should consider the following matters before the commencement of a tender selection process -

Peter Zunker was questioned as to whether this motion is intended to delay or

stop the tendering process. He advised that there is no intention to delay or stop the tendering process.

1. That all bodies corporate need to have a signed management agreement in place with the principle body corporate to ensure they are bound by the decisions that are made regarding caretaking/management of the complex. Cathedral Village has not signed an agreement between the Community and Cathedral Village. Conrad Beal advised that if the body corporate had resolved to accept and execute the agreement then the agreement is valid.

John Gilliland advised that the Cathedral Village Committee had resolved not to sign the agreement.

There was discussion as to whether this hinders or stops the tendering process. It was agreed that the tendering process can either involve or not involve Cathedral Village, and that it is preferable to include all subsidiaries.

**Motion – That** Cathedral Village should have an agreement with the Community Body Corporate and that all subsidiaries should be included in the Caretaking Agreement

***Carried 4 For, 2 Against***

2. If the successful tenderer will be required to live on site.

Ken Morrisby advised that this is dealt with in the Scope Of Works, and is a decision that will be made in finalising the Scope of Works and also will be considered amongst other items in the selecting process, and is something that can not be voted on here.

Tony Rich recommended the word "successful" be replaced by the word "preferable", and that any resolution at this time can not be binding as the Scope Of Works has not been finalised or voted on, and this is really an option question.

It was agreed that is preferable that the Caretaker live in site.

**Motion – That** it is preferred that the successful tenderer will be required to live on site

***Carried 6 For, 0 Against***

3. If the successful tenderer will be required to own property in the complex, as is currently the case.

As for Sub Motion (2) it was recommended the word "successful" be replaced by the word "preferable", and that any resolution at this time can not be binding as the Scope Of Works has not been finalised or voted on, and this is really an option question.

It was agreed that this can not be written into the agreement, that this is an indicative motion and could not be voted on.

4. Where will the caretaker operate from if the CPM is not successful tenderer. CPM owns the freehold to the office.

Following discussion it was agreed that this is a matter for the By-law, and that it could not be voted on.

5. How will the motions be dealt with that have been passed at the general meetings of subsidiaries to extend the contract with CPM. These have been passed in 4 of the 6 subsidiaries.

Following discussion it was agreed that this is the case, but that the votes are for the particular Representatives and the particular Committees to consider,

and are not binding on the Community Body Corporate, and that this Body Corporate has resolved to continue the tendering process.

6. That the requirements of the commercial lot holders are different to residential lot holders and how that will be dealt with if there is only one contract for the entire complex, when there is currently separate agreements. Peter Zunker considered there should be a separate agreement with the commercial subsidiary, Cathedral Village.

It was agreed that the Agreement should include all subsidiaries, including Cathedral Village.

**Resolution to be voted on -**

Confirmation that the proposal to reverse By law 27 has no impact on the caretaking process as the tender always has and cannot include the letting of units in the complex.

Following discussion it was agreed that a statement on the Letting Rights will be included in the tender documents.

9. **Budget Construction**

Some items considered at Item 8

Land Tax

Land tax was further discussed as to how it can be allocated. Tony Rich to receive a copy of the land tax invoice. The matter to be further discussed.

10. **Tender Process**

The proposals from Rider Hunt, BDR Consulting and Star Building Management were presented to members, with two being presented at the meeting

Following discussion it was agreed that members would advise which two providers they preferred and that Conrad Beal send a Flying Minute to select a provider.

11. **General Business:**

Conrad Beal presented each member with a letter and copy of the existing Body Corporate Management Agreement with Archers Body Corporate Management.

He advised members that the agreement provided for the first option to be taken up by the Body Corporate, and that the Committee can take up the option with a written notice. Further to taking up the option the Body Corporate would have to resolve at a General Meeting to appoint the Body Corporate Manager and authorise the expenditure.

It was agreed that members have a week to consider the agreement and Conrad Beal prepare and send a Flying Minute to vote on taking up the option.

**Next meeting:**

No decision was made as to the date of the next meeting

The meeting was closed at 10.30 pm

Confirmed.

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Chairman