



**MINUTES OF A COMMITTEE MEETING OF CATHEDRAL PLACE COMMUNITY
BODY CORPORATE MCP 106902 HELD AT THE MEETING ROOM, CATHEDRAL
PLACE ON MONDAY 10 SEPTEMBER 2007 AT 6.00 PM**

<u>Representation:</u>	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
	Ken Morrisby	Cathedral Place 'G/H' – Kensington & Sandringham
	John Gilliland	Cathedral Village
	Michael Johnston	Cathedral Place Management, Committee member, Kensington & Sandringham
	Conrad Beal	Body Corporate Manager, Representing Archers Body Corporate Management Pty Ltd

In Attendance: Noel Murphy, Committee member, Notre Dame
Mike Shelley & Gavin Atkinson, Riley Shelley

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: Tony Rich, the Body Corporate Chairman, chaired the meeting.

Painting: Mike Shelley advised the members of the current situation with the painting contract and the ongoing nine year maintenance program. They are concerned about any delay in payment as occurred last year, spoke of their goodwill and ensured the quality of their service. They reiterated that they had only one client, the Community Body Corporate, not six, the BUP's. Tony Rich asked if Riley Shelley wanted to walk away from the contract, and they replied that they do not. Tony Rich asked about painting of powder coated surfaces, and was advised that they are not covered in the agreement. What is and is not covered in the agreement was then read to the meeting. Next year would be a Year 7 building wash down. There is currently a half day's work remaining in this year's work.

RESOLVED that this years payment is authorised to pay upon receipt of Eddie Zunker's approval and the Treasurer, Pat Brown, is to authorise the amount

Carried 6 For, 0 Against

Payment of the account by the BUP's was then discussed. John Gilliland advised that it should be paid as in previous years by an area basis as per the calculations provided by Napier Blakeley. This was agreed to in principal but not resolved. To be further discussed.

Building Management Report: A Building Managers Report was provided by Michael Johnston, and is included with the minutes of the meeting. Items in the report were then discussed.

Items completed

- foyer : light replacement, plaster repairs to ceiling
- exit proxy readers for oasis area

Items carried forward

- Crack injection work – awaiting name of contractor for second quote
- **Water metering**
RESOLVED that, following discussion, no further action be taken whilst water restrictions continue

Carried 6 For, 0 Against

- Rainwater collection – difficulty obtaining second quote.
 - Body Corporate Manager advised that MINC Services can provide all kinds of contractors, including plumbers and handymen
 - MINC Services to be approached for a quote
- Fire Safety Works – Spectrum Fire have provided a quote
 - Second quote to be obtained. Quote may be high. Ken Morrisby to advise a contractor
- Glass doors – replacement of track and wheels.
RESOLVED that quote from Dorma of \$833.80 be accepted
Carried 6 For, 0 Against
- Invoice Cost Allocation
 - a. Arrow Access 9535 for \$791.15, replace boom gate camera
 - cost allocation will be reviewed in allocation review exercise
 - RESOLVED that invoice be authorised for payment and be charged to Unrestricted Admin Fund
 - Carried 6 For, 0 Against**
 - b. Besam 7707856 - replace control box
RESOLVED that invoice be authorised for payment and charged to Unrestricted Admin Fund as it is shared security of complex
Carried 6 For, 0 Against
 - c. Otis Elevator
 - a. Invoices – agreement is with the CBC.
RESOLVED that invoices be paid by CBC and invoiced to the BUP concerned.
 - b. Agreement
Maintenance contract for lifts as per Agreement. Agreement ended 24.1.2000, then continues for 3 year periods unless notice to terminate is given within required timeframe. Agreed that notice would be given at that time, as if given before may cause a problem with the quality of service.
- All Agreements.
Body Corporate Manager to provide a list of all agreements to ensure any agreements coming to an end or notice time are known to ensure the date triggers any required action.
- Carpet Cleaning – BUP Foyers
The Chairmen of all Residential BUP's agreed that the quote from Clean-01 Cleaning Services of \$130.00 per stairway and landing be accepted

Coke Machines:

John Gilliland raised the issue of the coke machines. A letter from Cathedral Place Management dated 10.9.07 was handed to each member, together with a copy of a letter from Cathedral Place Management dated 6.9.04. A letter from Peter Lewis dated 9th July 2007 was read by members. The machines are listed at CPM on an inventory, not as an asset. John Gilliland advised Peter Lewis has the right to put questions to the Notre Dame Committee. Peter Zunker was questioned who has the contract with coca cola for the machines. He was not aware of who the contract is with, and if there is one. Michael Johnston advised each machine has a number, an identifier. RESOLVED that Body Corporate Manager write to provider of machines (coca cola) to establish who they have a contract with.
Carried 6 For, 0 Against

Note : John Gilliland agreed that his motion on the agenda regarding the coke machines be adjourned to the next meeting considering general business

**Body Corporate
Manager:**

Body Corporate Manager handed a letter to the Chairman dated 31 August 2007 from Archers Body Corporate Management Pty Ltd and gave a copy to all members.

The letter :-

- a. Accepted an extension of the current agreement, which has been in place for the last 12 months, for a further 12 months from 1 September 2007 on the same terms and conditions, and
- b. Agreed to waive the condition for the First Option requiring that to exercise the first option the Body Corporate is required to exercise that option in writing prior to the expiration of the agreement, that being 31 August 2007

John Gilliland, Cathedral Village Representative, handed a letter to the Chairman 10 September 2007 advising :-

"The Cathedral Village Body Corporate does not wish to be a party to any contract negotiated by the Cathedral Place Community Body Corporate purportedly on behalf of the CVBC for the provision of Body Corporate secretarial and treasury services from 1 September 2007 until further notice.

In particular, with reference to current negotiations for the reappointment of Archers Body Corporate Management Pty Ltd, I confirm that Cathedral Village Body Corporate will support the reappointment of Archers BCM to service the needs of the 6 member principal bodies Corporate (CPCBC) on the terms settled in August 2006 as agreed at the most recent Cathedral Place Community Body Corporate Extraordinary General Meeting only."

The position with the Body Corporate Manager and with Cathedral Village was then discussed.

It was advised that Cathedral Village have no current agreement with Archers Body Corporate Management are intending to tender for a body corporate manager.

Cathedral Village would still have to pay the costs of the CBC body corporate management costs as the agreement is with the CBC, not Cathedral Village.

Peter Zunker advised the meeting that this was the reason that he had voted against the re-appointment of Archers as now the other residential BUPs's will have to pick up the shortfall created by the Village Body Corporate not signing the administration agreement with the CBC and being able to release itself from the Archers agreement. He mentioned he has had discussions with Archers about a variance to the cost sharing of the management fee, but not the disbursement fee, to provide a more equitable charging structure to Notre Dame owners. He is considering a structure that can work.

The cost structure was discussed including an estimate that 65% of the work each year is for the CBC.

Body Corporate Manager requested to provide a substantiation of a 65% cost structure.

**Confirmation of
Minutes of previous
meetings:**

RESOLVED that Minutes of the Flying Committee Minute of 29 August 2007 regarding engagement of Mark Mellick to provide legal advice be accepted as a true and correct record of proceedings

Carried 6 For, 0 Against.

Minutes of Committee meeting held 9 July 2007 to be confirmed at the next meeting. Copy of minutes to be confirmed to go out with Notice of meeting.

Business Arising:

Appointment of Body Corporate Solicitors on Panel
All four legal firms were considered.

RESOLVED that McMahon Clarke Legal, Nicholsons Lawyers, Nicol Robinson Halletts, and Gadens Lawyers form the panel of legal forms from

which the CBC or a member of the CBC can obtain legal advice.

Carried 6 For, 0 Against.

It was agreed that any member can obtain legal advice, but that they do not have authority for payment of any costs.

RESOLVED that Authority is required prior to engagement of any expenditure for legal advice,

and that any issues are to be discussed at a meeting prior to engagement, and that a member of the panel will be selected depending on their expertise, and that the Body Corporate Manager write to each member of the panel advising them of their selection and that they will be approached as required, and that they should accept clear instructions

Carried 6 For, 0 Against

Nicol Robinson Halletts – outstanding invoices

The total at present of all outstanding invoices with NRH is \$7034.50.

A motion was presented to pay the outstanding invoices, but was not voted on Tony Rich requested further time to discuss with Peter Townley about the content of the invoices

Discussion was held between John Gilliland and Tony Rich as to the reason for the reduction in the NRH invoice.

RESOLVED that Tony Rich be given until the next Committee meeting dealing with general business to discuss and obtain any further reductions.

Carried 6 For, 0 Against

**Inward and Outward
Correspondence**

John Gilliland requested a full review of the inwards correspondence file for the last 6 months. Body Corporate Manager advised that CBC did not receive very much correspondence, and that all correspondence is and has been passed on to all members. All correspondence was reviewed. Body Corporate Manager to provide a list for each meeting.

John Gilliland advised he had received correspondence about the ERC litigation ,but that he did not have a copy with him. He advised that the option to pursue the costs was available.

RESOLVED that, for the time being, that there be no action on litigation, but that the matter be kept under review.

Carried 6 For, 0 Against

Order of business

It was discussed that the Chairman and Secretary should determine the order of the agenda for meetings

Second Debtors

John Gilliland advised the meeting that the motion that he had put on the agenda to pursue CPM for legal expenses was on the basis that CPM had volunteered to pay legal expenses in 2004 for the renewal of the caretakers agreement.

Peter Zunker advised the meeting that on the 2nd of December 2005, Michael Crouch of NRH served notice on CPM that legal action was commencing to recover the legal expenses. He tabled this letter for the meeting. CPM wrote to John Gilliland and NRH as CPM had paid the Body Corporate what they had agreed to being the Hynes solicitors invoice. If the note to minutes of the meeting held on the 17/10/2002 was what the committee intended to rely upon to recover nearly \$30,000 of legal expenses, then that argument was extremely weak as neither Eddie nor Lorraine Zunker had no input as to what was recorded in the minutes of the CBC and do not consider themselves to be bound by what the CBC records in its minutes. Peter Zunker advised his concern to the meeting that this expenditure of approximately \$30,000 had not been signed off as an authorised expenditure (including advice concerning the operation of PS140 ,an ASIC directive), that John Gilliland had instructed that these invoices be charged to second debtors, the invoices had been sent to John Gilliland's home address and no advice exists in the

correspondence files, apart from the invoices. John Gilliland maintained that in 2003 Clayton Dehnman, Peter Lewis and himself were authorised to undertake the work with NRH. Peter Zunker said that a search of the body corporate records would settle the matter.

RESOLVED that \$34,411.90 in second debtors relating to invoices raised against Cathedral Place Management be written off

Carried 4 for, 1 Against, 1 abstain

Mr Gilliland requested that his motion be voted on
LOST that the CBC pursue CPM for recovery of legal fees and meeting costs as per the debtors report.

1 For, 4 Against, 1 abstain

GST on Ambulance levy

Discussion was held on the advice tabled by Archer Gowland concerning GST on Ambulance levies. Archers to report to the meeting the circumstances of the billing of the electricity and ambulance levy to determine if the arrangement was the same as with Watts energy and Cathedral Place electricity users. Peter Zunker advised the meeting that he considered that the charging of GST would be determined on the arrangement with Watts.

Allocation of Expenses and Opening Balances

Engagement of independent assessor

John Gilliland advised he had approached Kaylene Arckoll of Leary & Partners, but that she advised she did not have the time or the inclination to do the required work. Warren Fischer, of Alternative Dispute Resolution Services was recommended by her to best meet the needs of the CBC.

RESOLVED that

- a. Warren Fischer, of Alternative Dispute Resolution Services be engaged at \$300.00 per hour to assist with the dispute about the allocation of costs for Restricted and Unrestricted Budgets, and
- b. The exercise commence with a meeting between him, the six Representatives (each of a subsidiary body corporate) and myself to get a full understanding of the situation and requirements and to determine the strategy.

Carried 6 For, 0 Against

Chart of Accounts

It was agreed that there needs to be a consistent chart of accounts to be used in all funds across the site

RESOLVED that Body Corporate Manager generate a consistent chart of accounts

Carried 6 For, 0 Against

Insurance

The insurance recently resolved by the CBC and each BUP was discussed. John Gilliland advised he is not happy with the SUU cover.

John Gilliland recommended that the CBC and each BUP request the Body Corporate Manager to go back to SUU and request a 10% reduction in the premium, the same as Cathedral Village did. Peter Zunker advised there is a 21 day cooling off period.

RESOLVED that Body Corporate Manager go back to SUU and request a 10% reduction in the premiums

Electricity

Report on electricity audit.

John Gilliland advised that Geoff Magoffin is still working on the audit

Watts Energy - instruction to charge meter reading to individual BUPs

A motion from John Gilliland was read to the meeting, and discussed

RESOLVED that :-

The meter reading and billing agent is instructed to read the following meter groups and bill consumption thereon to the respective BUPs nominated below at the CPCBC (Community) bulk rate from the reading immediately following the 1st September 2007, and that

1. Meter nos 120120, 327150, 408967 on main Switchboard to Community Body Corporate Restricted Administrative Fund.
 2. Sub Meters located on the Cathedral Village Body Corporate Cooling Tower and Cathedral Village BC lift to be read concurrently and deducted from the consumption recorded on meters 120120, 327150, 408967 at CPCBC bulk rate. Charges to be billed on agreed shared basis to Cathedral Village BC and B & C (Oxford & Cambridge) BC.
 3. Consumption on the main board for meters 120120, 327150, 408967 to be profiled over coming months to separate power consumed by devices attached including ventilators, A block (Notre Dame), D & E block (Canterbury & Westminster), F block (Duhig). G & H block (Kensington & Sandringham) lifts, fire panel, Gotha Street lighting, Cathedral Village BC carpark gates, CPM office aircon, Pool & podium lighting/power, A Block foyer lighting and aircon. Individual BUPs to be charged for device consumption at CPCBC bulk rates as profiles are agreed back dated to 1st September 2007 following profiling research by Geoff Macgoffin in coming months.
 4. Meter nos 413612,413619,413614,413535, 413536, 413537 – 27/105 to CVBC and 78/105 to B & C (Oxford & Cambridge) BC.
 5. Meter nos 412671, 412672, 412673, 412747, 412748, 412748 to D & E (Canterbury & Westminster) BC.
 6. Meter nos 456531, 456532, 456533 to FBC. (note FBC to recover suitable reimbursement from Community PCBC Restricted Administrative Fund for the operation of the Gym on these circuits following profile research from Geoff Macgoffin backdated to 1st September 2007).
 7. Meter nos 412655, 412656, 412657 to NDBC. (note foyer lighting and aircon to be recovered from CPCBC Restricted Admin Fund from 1st September 2007 consistent with bylaw 27). CPM office aircon and lighting to be recovered from CPM backdated to 1st September 2007)
 8. Meter nos 456534,456458,456436,456435,456437,456438 to G & H (Kensington & Sandringham) BC.
- Carried 6 For, 0 Against***

Appointment of Energy Billing and Meter Reading Agents

Watts Energy Pty Ltd have an agreement with the CBC, but that it has run out. It was discussed about further accepting the agreement provided by Watts Energy Pty Ltd. It was agreed that the CBNC is very happy with the service provided by Watts Energy.

RESOLVED that the tender process has to be implemented and that a quote be obtained from two other providers of the same service.

Carried 6 For, 0 Against

Incurring Liabilities and authorising expenditure

Discussion was held on the processes for incurring liabilities and authorising expenditure. It was discussed that Peter Zunker and Tony rich continue to sign the invoices authorising payment, the list of payments made continue to be circulated, and abnormalities be raised at the committee meetings and if dispute arose then it would be decided if alternative signing persons should be put in place

Tender - pool chemicals and pool services, and fire

John Gilliland advised that the tender process should be used for other services where a large amount of expenditure is concerned

inspection services

RESOLVED that Michael Johnston obtain 2 quotes for the provision of pool chemicals and services
Carried 6 For, 0 Against

RESOLVED that Michael Johnston prepare a specification for all fire services at Cathedral Place to enable quotes to be obtained
Carried 6 For, 0 Against

Waiver of Confidentiality Deed

Following discussion it was RESOLVED that Ken Morrisby, John Gilliland and Randall Edwards no longer be bound by the Confidentiality Deed
Carried 4 For, 0 Against 2 Abstain

Tender Process

The continuance of the tender process was discussed
RESOLVED that a Committee meeting be called and held on Thursday 23 September, the agenda to be approved by the Secretary
Carried 6 For, 0 Against

Next meeting:

No decision was made as to the date of the next meeting for general business

A Committee meeting for tender process will be held on 23 September 2007

The meeting was closed at 9.50 pm

Confirmed.

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Chairman