

MINUTES OF A COMMITTEE MEETING OF CATHEDRAL PLACE COMMUNITY BODY CORPORATE MCP 106902 HELD AT THE MEETING ROOM, CATHEDRAL PLACE ON MONDAY 18 FEBRUARY 2008 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
Ken Morrisby Cathedral Place 'G & H' – Kensington & Sandringham
John Gilliland Cathedral Village
Conrad Beal Body Corporate Manager, Representing Archers
Body Corporate Management Pty Ltd

Present: Warren Fischer Alternative Dispute Resolution Services

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.

Warren Fischer : The Chairman welcomed Warren Fischer

Report on Findings:
Cost Allocation &
Electricity Dividend

Cost Allocation

Warren Fischer presented a further written clarification to his initial report, which added to his findings on cost allocation. A copy of the report is included in the minutes of the meeting.

He was further questioned on various elements of cost allocation, including a clarification on what is Restricted and Unrestricted. He reminded members of the By-law regarding maintenance, and that the Restricted as being the area shown on the diagram attached to the By-laws, half way down the slab.

For the car spaces he advised that the CBC would, unless the By-law was amended, be required to enter into an agreement with each lot owner regarding the maintaining and upkeep of the car space.

He agreed that there is a need to change the maintenance responsibility from owners to the Body Corporate.

He advised that putting this in the By-laws, rather than an agreement format, provides what is required for perpetuity.

Electricity "Dividend"

Warren Fischer requested more details on the request for him to advise on issue of an electricity "dividend".

He provided the following advice on electricity charging and any "dividends".

Any profits from the selling of electricity should be on a user – pay basis. If it was given to bodies corporate owners would only receive by lot entitlements.

There have been numerous orders from the Commissioner for Body Corporate & Community management on this issue.

Under the Body Corporate and Community Management Act 1997 a Body Corporate can not charge more than the cost, but this Act does not apply to Cathedral Place.

To advise or comment on legal charging he would need to see all appropriate agreements. A copy of the CBC agreement with Energex to provide electricity was noted as the only agreement.

John Gilliland advised that the Electricity Act allows for purchase and selling of electricity, and that the CBC is acting in trust for owners, and that the CBC should distribute profit to each lot by usage, and that some expenses may be attributable by lot, eg, Watts Energy (meter reading, invoicing), bank charges)

Peter Zunker raised the issue of the ERC litigation and its effect on costs, including how it should affect the amount of distributable income, and that all the litigation costs are recorded in legal charges in the accounts, and that for tax and distribution purposes those costs should be against the provision of electricity.

Warren Fischer advised he would need to consider the ERC situation, with all agreements and how the litigation took place.

He advised that expenses need to be shared by lot entitlements.

Peter Zunker questioned as to if an expense is related to a lot then it should be related to the provision of that service.

Warren Fischer advised that service costs are a shared cost, which would include reading meters, with equal cost for equal work, with the cost for legal expenses

shared equally between all 541 owners.

Randall Edwards advised he considered that the cost of legal expenses is not relate to profit.

Warren Fischer to be provided with Energex agreement, and he will liaise with Watts Energy on the basis of costs, and he is to be provided with an overview of the ERC litigation.

Peter Zunker questioned whether the ERC costs are attributable to the electricity income

Warren Fischer advised that each lot holder has the potential to use as much electricity as they wish, therefore the amount of profit is not the determinant of allocating costs, because each lot holder has the same right as each other lot holder to use as much electricity as they wish. The distribution of profits is recommended to go back to the users – owners and tenants, with the bodies corporate including the CBC, receiving the profits (if any) of their respective common area usage.

John Gilliland advised that the CBC must charge the local tariff, not the discounted tariff, to tenants.

Warren Fischer was thanked for his advice and attendance and left the meeting at 7.10 pm.

Budgets:

The draft budgets provided to members prior to the meeting were discussed. Each line item was discussed and an amount agreed to.

Painting & Lift Maintenance

Several members raised there concern about Cathedral Village, which does not have a signed agreement with the CBC, could not pay for items such as painting and lift maintenance, and this would cause the CBC to take legal action to recover those costs.

John Gilliland advised that he, on behalf of Cathedral Village, agrees to pay for their fair share of painting and lift maintenance costs.

RESOLVED that painting costs be shared by surface area, which has been previously provided by Napier & Blakeley

Carried 4 For, 0 Against, 0 Abstain

Sinking Fund Forecasts

The items included in the Sinking Fund forecasts for the Restricted and Unrestricted were discussed, including their correctness for deciding on levies for both funds.

RESOLVED that Napier & Blakeley be requested to review both forecasts to ensure they are both in line with the Restricted and Unrestricted items. Peter Zunker to liaise with Napier & Blakeley

Carried 4 For, 0 Against, 0 Abstain

Determining Opening Balances

Peter Zunker then raised how the opening balances for the funds is to be decided. He has done a check of the expenditure and provided his balances.

He advised that sinking fund costs have shown that there is an imbalance in what should be in each fund as against what has been raised for both funds over the last 2 years. It was agreed that the check should go back to 2000, and the Body Corporate Manager to provide this breakup.

Building Manager's Report:

A written Building Managers Report was provided by Lorraine Zunker for Cathedral Place Management. To be considered at the next meeting.

Next meeting:

The next Committee meeting to be held 3rd March 2008
The Annual General Meeting is to be held 7th April 2008.

The meeting was closed at 9.40 pm

Confirmed.

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Chairman

Cathedral Place Management

Managers Report 18/02/2008

Items Completed

1. **Oxford and Cambridge Door Security.** Issue of residents not closing the gate seems to have resolved itself for time being. Gate had been locked with chain as requested, but chain was found cut and removed. However the gate now remains locked at all times, the offending resident/s seems to understand the consequences of not locking the door properly.
2. **Signs for Pool Area.** New resuscitation signs have been placed in pool area along with 'Use of Spa' sign.

Items Carried Forward – To Be Resolved

1. **Crack Injection Work.** No response from John from Lowenstein & Stumpo have resent original email and waiting for answer.
2. **Fire Safety Works.** Ken Morrisby advised that his contact was no longer available. Second quote has been organized but still waiting for quote.
3. **Collecting Water.** Tony Rich and Eddie have met regarding the collection of water.
4. **Towing of Illegally Parked Motor Vehicles.** At a meeting on the 12th November it was requested a more substantial authority to tow be supplied, than the letter (undated Ref: 006211), issued on behalf of the Body Corporate. We would request a letter similar in format to the attached be passed as the authority to tow.
5. **Driveway Signage** Davis signs have been to measure for '1' missing from '41' near the front vehicle entrance of the building. I need clarification on the driveway signs because I understood I was to order two more signs the same as the ones on the Gotha St side of the driveway and they were to be attached to the building side of the driveway. Is this correct?
6. **Security** Stones are still being used to prop open doors in toilets and passageways of Village. Security continues to remove these.

New Business

1. **Sauna Signage.** The owner of G1 has asked that a sign be placed on the sauna door requesting the door to be closed quietly. Email attached.
2. **Pool Repairs.** As previously advised, the aggregate coating on the pool is lifting and needs to be repaired. Authority is requested that if a day is allocated in March allowing the refilling of swimming pools (as reported in the media), the pool can be emptied and repaired.

3. **Pool Area Surface.** The pool area is badly in need of resurfacing. This has been raised several times over the last 4-5 years and the committee has put a permanent fix on hold. A temporary fix has been carried out twice, with the last being approximately 2 years ago, when cement was used to fill the deeper holes in the sandstone. Authority is requested to continue making temporary repairs as considered necessary.
4. **Fire Flow Tests.** This has been partially completed. There is an outstanding pressure test, required by legislation, which cannot be done. This is because there is no suitable drain to take the water. The test has to be carried out from the two highest points, F block and A block. We have investigated using the garbage chutes, but there would be too much water flow for the chute. A report is to be prepared giving further details and reasons the test cannot be completed. Hydrants have not been tagged and cannot be done until the pressure test has been carried out.
5. **Ergon to do work on transformer.** Two men came to inspect the transformer and advised that work is required to be carried out on the transformer. They suggested that we would need to use our back-up generator (which we do not have). They advised they would need to bring one of their Ergon generators for our use while the repairs were carried out. They advised that they would be in contact at a later date.
6. **Mulch and Sand.** This was last raised last year on 16th February 2007. The gardens are requiring more mulch and the beaches are getting short of sand. Authority is requested to get quotes to replace the sand and mulch. It would be in the order of \$10,000 and would last approximately 18 months.
7. **Report on Leaks in Car Park.** As the rain increased more leaks have occurred in the car park. These are mainly around the pipes going through the slab and occasionally through the cracks in the slab.
8. **Foyer Lounge Seats** We have noticed wear and tear on one of the couches in particular. Do we need to have it recovered or leave for the time being?
9. **Down Lights in Foyer.** 21 of the lights are not working. These were replaced around August 2007 by the handyman. We would recommend that the electrician performs this task as he will check the transformers as well. Authority is requested to engage Magoffin to replace the bulbs and get the scissor lift in.
10. **Recycling** Council attended on site and are installing recycling bins on a trial basis in the Notre Dame and Kensington Bin rooms.
11. **Monday 11th February 2008 Meeting with Birdee Num Num Managers.** David Hinchliffe attended a meeting with interested parties from Cathedral and 3 representatives from the nightclub regarding the noise level from the club, especially on Sundays. A group from Cathedral and the representatives from the club are to meet again on 17th February to see if a solution can be found. Mr Hinchliffe is going to call another meeting to discuss the outcome.

Authority to Tow.

The onsite managers are authorised to tow vehicles which are parked contrary to the signage identifying that no parking is permitted. This includes but is not limited to –

- The service parking bay at the entrance to the Village Car Park
- The driveway at the entrance to the complex at the foyer of Notre Dame
- The areas painted red in the car parking areas.
- The area painted grey in the in the car parking areas, known as the throughfares

In relation to vehicles parked in the residential car park - on the green area, the lot holder who has the right to park in these areas can only authorise the towing of a vehicle parked in the green area which has been allocated to the lot holder.

In relation to vehicles parked in the commercial car parking areas, a person nominated by the village committee in writing to authorise the towing of vehicles in the parking area over which the easement has been granted.

The onsite manager is not liable for any fees or damage as a result of towing vehicles in accordance with these instructions.