

**MINUTES OF THE ANNUAL GENERAL MEETING OF CATHEDRAL PLACE
COMMUNITY BODY CORPORATE MCP 106902 HELD AT MEETING ROOM,
CATHEDRAL PLACE ON THURSDAY 5 JUNE 2008 AT 6.00 PM**

Representation:

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

Present:

Kristine Ceraolo	Committee Member and Owner, Oxford & Cambridge
Michael Pointing	Committee Member and Owner, Kensington & Sandringham
Noel Murphy	Committee Member and Owner, Notre Dame
Lorraine Zunker	Committee member and Owner, Duhig, Oxford & Cambridge, and Notre Dame, and Representing Cathedral Place Management, Caretaker

Quorum: As greater than 25% of the representatives were represented in person a quorum was formed.

Chairman: Mr Tony Rich, the Body Corporate Chairman, chaired the meeting. He declared the meeting open at 6.00 pm. Ken Morrisby attended by phone.

Prior to Motion 1 being voted on a debt on levies recorded as owing by Cathedral Village was discussed at length. Following is a summary only of the discussions.

Peter Zunker requested the Body Corporate Manager advise if any members were not financial. He advised that all members but Cathedral Village were financial. Peter Zunker went on to further advise the meeting that this would mean that the member for Cathedral Village could only then vote on unanimous resolutions or resolutions without dissent, and was ineligible to vote on the election of office bearers. The body corporate manger confirmed that this.

John Gilliland then arrived at the meeting and was advised that according to the body corporate records he was not financial

Peter Zunker advised that Cathedral Village currently owes \$29,595.35 in unpaid levies according to the Body Corporate financial records, John Gilliland advised he was not aware that this was outstanding. He advised he had brought cheques along to the meeting to pay outstanding electricity and painting invoices.

The Chairman ruled that the financial statements showed that the Cathedral Village owed \$29595.35 and therefore John Gilliland was ineligible to vote on motions other than those of unanimous resolution or resolution without dissent nor on the Committee elections.

John Gilliland strongly disputed this ruling. He advised that the levies issued were not bona fide levies, and were far above requirements. Peter Zunker confirmed with the Body Corporate Manager that the other body coprorates had paid the levies and that the levy notices had been issued and the amounts were due in accordance with these notices.

Ken Morrisby arrived at the meeting.

The Chairman asked if Cathedral Village had written to the CBC advising of the problem with the levies. John Gilliland advised that the levies had been resolved at a Committee meeting to provide for sufficient funds and these motions were invalid, and that he advised this at the meeting. and had voted against them. Peter Zunker advised that the motion had been passed and just because John Gilliland had voted against them does not mean they were invalid.

Brian Fisher requested the Chairman adjourn the meeting to enable the situation to be resolved as it needs to be considered whether the levy has been issued with lawful authority. He further advised his concern that 1/6th of the whole complex would not be represented.

Peter Zunker requested that the meeting continue as matters needed to be decided and that the fact that the Cathedral Village had not paid the levies was not sufficient to adjourn. **The Chairman** confirmed with the Body Corporate Manager that Cathedral Village had not raised the matter of validity of the levies and **ruled that the meeting continue.**

Brian Fisher advised the Chairman he was denying a vote on important issues and challenged his decision. Peter Zunker reiterated that Cathedral Village had not paid the levies and, in accordance with the legislation, is not allowed to vote.

Body Corporate Manager advised that he has had the situation where a levy owing has been in dispute and the owner has been allowed to vote.

John Gilliland asked whether the new budgets are approximately the same, and offered to write a cheque in payment of the amount if he would be allowed to vote. He also offered to pay all resolved levies immediately after the meeting. The Chairman would not accept either proposal as the legislation was quite clear on the matter. If he was to rule in a manner contrary to the legislation and allowed the Cathedral Village to vote at the meeting, then could invalidate everything discussed at the meeting.

The Body Corporate Manager asked the opinion of the other members present. Ken Morrisby was concerned that all 6 members could not vote at the meeting. Pat Brown advised he was also concerned that all 6 members could not vote, however John Gilliland had ample time to raise the matter and he had not, therefore he was in favour of the meeting continuing.

John Gilliland offered to pay a cheque for the outstanding levies to enable him to vote at the meeting on the proviso that the amounts on the cheque would be altered by the close of the meeting to reflect the actual amounts passed at the meeting. Peter Zunker advised the meeting that this was not a negotiation and the law was the law. It was his opinion, that the relevant section of Schedule 2 of the Building Units and Group Titles Act provided that should the levies outstanding not be paid before the commencement of the meeting that John Gilliland would not be entitled to vote on motions except unanimous or without dissent nor the election of office bearers. If all the bodies corporate were to take the same stance and only pay levies at the AGM, then the CBC would not be able to operate.

John Gilliland advised the meeting that he would be lodging a dispute with the Commissioner tomorrow that he had been denied a legitimate vote at the meeting.

Peter Zunker advised that was his right to do so and that the reason Cathedral Village could not vote was not because of the actions of this meeting, but because the levies had not been paid prior to the commencement of the meeting.

The Body Corporate Manager advised that he has had the situation where a levy owing has been in dispute and the owner has been allowed to vote.

Brian Fisher requested that the Chairman consider allowing John Gilliland to vote, to accept that the levies owing are in dispute and therefore could not rule on whether they are financial. The Chairman refused this request because if the legislation had not been followed then the meeting would be open to dispute on that basis.

Brian Fisher requested that the offer of John Gilliland to provide a cheque for payment of the levies owing be accepted to entitle him to vote. The Chairman refused this request

Peter Zunker advised the meeting that John Gilliland could pay a cheque now for his outstanding levies, however it would not change his standing in relation to the issue of the entitlement to vote as the legislation required him to pay his levies prior to the

commencement of the meeting, and the meeting had commenced. John Gilliland did not provide a cheque for the outstanding levies.

The matter of what constituted a quorum was discussed.

Brian Fisher then requested a motion dissenting the Chairman be considered, and raised his concern about the conduct of the Chairman in disenfranchising Cathedral Village. The Chairman stated that the Cathedral Village had been disenfranchised by the actions of its body corporate manager by not attending to the payment of the levies prior to the commencement of the meeting

The Chairman then advised that as Brian Fisher had expressed concern as to his actions as Chairman that the Committee elections should be held immediately, and was advised that they are required to be held as the last item of business at the meeting.

The Chairman was asked for a final ruling and ruled that Cathedral Village is not financial with levies owing that have been issued on the authority of the Committee and have not been paid before the meeting commenced, and that he would not accept a cheque that allowed the Representative for Cathedral Village to vote.

John Gilliland questioned when the ruling was made, and the ruling was not made prior to commencement of the meeting, and advised the Chairman that his decision had disenfranchised 22% of owners in the complex, and challenged his decision as the levies were not duly levied and payable.

Ken Morrisby advised that it is the honourable thing to do to allow him to vote and that procedures need to be set prior to the meeting. Peter Zunker advised that it may be honourable but not lawful to allow John Gilliland to vote as the legislation was quite clear.

John Gilliland advised that he would pay the levies in order to franchise his owners and that the levies in question are about to be changed with the motions to be considered at the meeting. Peter Zunker advised that the levies had not been paid that was the reason that the Cathedral Village lot holders had been disenfranchised.

Motion 1

The following motion was read to the meeting:-

Ordinary Resolution

"That the Minutes of the Extraordinary General Meeting held on 3 December 2007 and included with this notice, be adopted as a true and correct record."

- Minutes of Previous Meeting:

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 2

The following motion was read to the meeting with 2006 being corrected to 2007:-

Ordinary Resolution

"That the Statement of Accounts for the year ended 31 August 2007 together with Balance Sheet as at that date be received and adopted."

Statement of Accounts:

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 3

The following motion was read to the meeting:-

Ordinary Resolution

"That the opening balances as at the 1st September 2007 are to be as follows -

Opening Balances:

Unrestricted Sinking Fund	(\$40,506)
Unrestricted Sinking Fund	\$502,861
BUP to reimburse	(\$88,759)
Total	\$373,595
Unrestricted Admin	(\$88,649)
Restricted Admin	\$1,419,943
BUP to Reimburse	(\$1,298,274)
Total	\$34719
Electricity Fund	\$ 149,446.89"

This motion was **carried** with votes received as follows :-

YES: 4 NO: 0 ABSTAIN: 1

Note

John Gilliland disagreed with the content of the data used to form the opening balances. Electricity used only 1 year of actual figures and 2 years of projected costs, allocations are not right and he does not accept them. Peter Zunker advised that he needed to refer to the working papers that had been distributed for the calculations.

Motion 4

The following motion was read to the meeting:-

Ordinary Resolution

**Opening Balances :
BUP Expenses**

“That the residential BUP’s assume all of the expenses incurred on behalf of BUP’s, **APART** from the component which is yet to be allocated by Geoff Maggofin in relation to common area electricity. In relation to the sinking fund, it is proposed that the residential BUP’s assume all of the expenses incurred on behalf of the BUP’s **APART** from the amounts in relation to painting.

This would affect the opening balances as follows –

Unrestricted Sinking Fund	(\$40,506)
Unrestricted Sinking Fund	\$499,609
BUP to reimburse	(\$85,508)
Made up of Painting to be allocated	
2007 \$77191.87	
2006 \$4266.19	
2005 \$4050.08	\$85508.14
Total	\$373,595
Unrestricted Admin	(\$88,649)
Restricted Admin	\$294,291
BUP to Reimburse	(\$170,923)
Made up of Electricity to be allocated	
2007 \$62678	
2006 \$62057	
2005 \$46188	\$170923
Total	\$34719
Electricity Fund	\$ 149,446.89:

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Note

John Gilliland requested that the auditor investigate the opening balances, and this was agreed to Peter Zunker advised the meeting that this will be examined in the normal course of the audit conducted in 2008, which was accepted

Motion 5

The following motion was considered:-

Ordinary Resolution

**Administrative Fund
Budget & Levies:
Unrestricted**

“That the Administrative Fund – Unrestricted for the year ending 31 August 2008 be **\$121,000.00** (inc GST) and that the contributions shall be due and payable at **\$186.154** per lot entitlement (total of 650) as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$121.09	Already levied
01/12/07 – 28/02/08	\$121.784	Already levied
01/03/08 – 31/05/08	\$-56.72	
01/06/08 – 31/08/08	\$0.00	

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2008/09 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$46.538	01/09/08"

The motion was amended and read to the meeting:

That the Administrative Fund – Unrestricted for the year ending 31 August 2008 be **\$219,759.00** (inc GST) and that the contributions shall be due and payable at **\$338.09** per lot entitlement (total of 650) as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$121.09	Already levied
01/12/07 – 28/02/08	\$100.784 (corrected from \$121.784)	Already levied
01/03/08 – 31/05/08	\$58.108	14/07/08
01/06/08 – 31/08/08	\$58.108	14/07/08

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2008/09 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$46.538	01/09/08"

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 6

The following motion was considered:-

Ordinary Resolution

"That the Administrative Fund – Restricted Areas for the year ending 31 August 2008 be **\$378,180.00** (inc GST) at **\$745.92** per lot entitlement (total of 507) and that the contributions shall be due and payable as follows:-

Administrative Fund Budget & Levies: Restricted

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$428.15	Already levied
01/12/07 – 28/02/08	\$540.00	Already levied
01/03/08 – 31/05/08	\$-222.23	01/06/08
01/06/08 – 31/08/08	\$0.00	

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2007/08 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$186.48	01/09/08"

The motion was amended and read to the meeting:

******* NOTE:
THIS MOTION IS
AMENDED BY
MOTION 15
- SEE MOTION 15
FOR THE
CONTRIBUTIONS
RESOLVED*******

"That the Administrative Fund – Restricted Areas for the year ending 31 August 2008 be **\$113,889.00** (inc GST) at **\$224.633** per lot entitlement (total of 507) and that the contributions shall be due and payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$428.15	Already levied
01/12/07 – 28/02/08	\$540.00	Already levied
01/03/08 – 31/05/08	\$-371.7585	14/07/08
01/06/08 – 31/08/08	\$-371.7585	14/07/08

******DO NOT ISSUE THESE LEVIES**

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2007/08 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$186.48	01/09/08"

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 7

The following motion was considered:-

Ordinary Resolution

"That the Sinking Fund – Unrestricted for the year ending 31 August 2008 be **\$268,700.00** (inc GST) at **\$4.1338** per lot entitlement (total of 650) and that the contributions shall be due and payable as follows:-

**Sinking Fund
Budget & Levies:
Unrestricted**

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$9.80	Already levied
01/12/07 – 28/02/08	\$-5.6662	01/06/08
01/03/08 – 31/05/08	\$0.00	
01/06/08 – 31/08/08	\$0.00	

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2006/07 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$1.0334	01/09/08"

The motion was amended and read to the meeting:

"That the Sinking Fund – Unrestricted for the year ending 31 August 2008 be **\$43,603.00** (inc GST) at **\$67.0815** per lot entitlement (total of 650) and that the contributions shall be due and payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$9.80	Already levied
01/12/07 – 28/02/08	\$19.0938	01/06/08
01/03/08 – 31/05/08	\$19.0938	14/07/08
01/06/08 – 31/08/08	\$19.0938	14/07/08

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2006/07 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$1.0334	01/09/08"

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 8

The following motion was considered:-

Ordinary Resolution

"That the Sinking Fund – Restricted Areas for the year ending 31 August 2008 be **\$164,624.00** (inc GST) at **\$324.70** per lot entitlement (total of 507) and that the contributions shall be due and payable as follows:-

**Sinking Fund
Budget & Levies:
Restricted**

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$94.0388	Already levied
01/12/07 – 28/02/08	\$76.89	01/06/08
01/03/08 – 31/05/08	\$76.89	01/06/08
01/06/08 – 31/08/08	\$76.89	01/06/08

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2006/07 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$81.175	01/09/08"

The motion was amended and read to the meeting:

****** NOTE:
THIS MOTION IS
AMENDED BY
MOTION 15
- SEE MOTION 15
FOR THE
CONTRIBUTIONS
RESOLVED*******

"That the Sinking Fund – Restricted Areas for the year ending 31 August 2008 be \$81,808.00 (inc GST) at \$161.357 per lot entitlement (total of 507) and that the contributions shall be due and payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$94.0388	Already levied
01/12/07 – 28/02/08	\$22.4394	14/07/08
01/03/08 – 31/05/08	\$22.4394	14/07/08
01/06/08 – 31/08/08	\$22.4394	14/07/08

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2006/07 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$81.175	01/09/08"

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 9

The following motion was read to the meeting:-

Special Resolution

"It is resolved that the Body Corporate's Statement of Accounts for the financial year ending 31 August 2008 NOT be audited."

Audit:

This motion was **lost** with votes received as follows :-

YES: 0 NO: 5 ABSTAIN: 0

Motion 10

The following motion was read to the meeting:-

Ordinary Resolution

"That in the event of an audit being required, the audit of the Books and Accounts of the Body Corporate for the financial year ending 31 August 2008 shall be carried out by: Carthills Chartered Accountants"

**Appointment of
Auditor:**

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 11

The following motion was read to the meeting:-

Ordinary Resolution

That the following insurance be confirmed:-

**Confirmation of
Insurance:**

Insurer: Strata Unit Underwriters (SUU)
Due Date: 31 August 2008

Policy No: 06S 2049562
Sum Insured: Building \$39,910,013
 Loss of Rent \$5,986,502
 Catastrophe \$5,986,502
 Public Liability \$20,000,000
 Office Bearers \$2,000,000
 Fidelity Guarantee \$50,000

Premium: \$21,819.25

Excess: \$500.00

Policy No: 17M0196680

Sum Insured: Machinery Breakdown \$100,000.00

Premium: \$734.33

Excess: \$250.00

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 12

The following motion was considered:-

Resolution Without Dissent:

By-law 25
Car Park Allocation
Schedule
- Replace Incorrect Plan:

"That the Body Corporate resolves by resolution without dissent that the Carparking Plan detailed in By-law 25 (b) be amended to provide the required correction of the present incorrect Carparking Plan No 4428-46B Sheets 1, 2 and 3 and titled "Sketch Plan for Exclusive Use Purposes – Over Part of Basement Level 1 of the Building erected over Community Property Lot 4 on MCP 106902" which is recorded at the Titles Office that it be withdrawn and replaced by Carparking Plan No 4428-46C Sheets 1, 2 and 3 and titled "Sketch Plan for Exclusive Use Purposes – Over Part of Basement Level 1 of the Building erected over Community Property Lot 4 on MCP 106902" to enable the correct recording of the plan showing the position of exclusive use car spaces 26, 27, 34, 35, 81, 82, 89, 90, 142 and 143

And that Mark Mellick, Solicitor, be engaged and authorised to take all necessary steps to ensure that the amendments are brought into force and effect including writing to and liaising with Susan Jacobs of the Department of Infrastructure and Planning and/or the Minister"

The motion was amended and read to the meeting:

"That the Body Corporate resolves by resolution without dissent that the Carparking Plan detailed in By-law 25 (b) be amended to provide the required correction of the present incorrect Carparking Plan No 4428-46B Sheets 1, 2 and 3 and titled "Sketch Plan for Exclusive Use Purposes – Over Part of Basement Level 1 of the Building erected over Community Property Lot 4 on MCP 106902" which is recorded at the Titles Office that it be withdrawn and replaced by Carparking Plan No 4428-46C Sheets 1, 2 and 3 and titled "Sketch Plan for Exclusive Use Purposes – Over Part of Basement Level 1 of the Building erected over Community Property Lot 4 on MCP 106902" to enable the correct recording of the plan showing the position of exclusive use car spaces 26, 27, 34, 35, 81, 82, 89, 90, 142 and 143

And that Nicholsons Solicitors be engaged and authorised to take all necessary steps to ensure that the amendments are brought into force and effect including writing to and liaising with Susan Jacobs of the Department of Infrastructure and Planning and/or the Minister"

This motion was **carried** with votes received as follows :-

YES: 6 NO: 0 ABSTAIN: 0

Motion 13

The following motion was read to the meeting:-

Ordinary Resolution

Variation to
Caretaking
Agreement and
Letting Agreement:

"That the body corporate consent to the following variations of the caretaking and letting agreement both dated 7 January 1999 between the body corporate and Cathedral Place Management Pty Ltd, subsequently assigned to Edward Charles Zunker and Lorraine Zunker:-

(a) Inserting a new clause 8.3 into the Caretaking Agreement as follows:

The Caretaker has the option to renew this Agreement for a further period of five (5) years, from 4 November 2008 until 3 November 2013. The renewed term will be upon the same terms and conditions as this Agreement except this clause shall be omitted. If the Caretaker wishes to exercise this option the Caretaker must give notice in writing to the Committee not less than three (3) calendar months and not more than six (6) calendar months prior to 3 November 2008.

(b) Inserting a new clause 8.4 into the Caretaking Agreement as follows:

The Caretaker has the option to renew this Agreement for a further period of five (5) years, from 4 November 2013 until 3 November 2018. The renewed term will be upon the same terms and conditions as this Agreement except this clause shall be omitted. If the Caretaker wishes to exercise this option the Caretaker must give notice in writing to the Committee not less than three (3) calendar months and not more than six (6) calendar months prior to 3 November 2013.

(c) Inserting a new clause 3.3 into the Letting Agreement as follows:

The Agent has the option to renew this Agreement for a further period of five (5) years, from 4 November 2008 until 3 November 2013. The renewed term will be upon the same terms and conditions as this Agreement except this clause shall be omitted. If the Agent wishes to exercise this option the Agent must give notice in writing to the Committee not less than three (3) calendar months and not more than six (6) calendar months prior to 3 November 2008.

(d) Inserting a new clause 3.4 into the Letting Agreement as follows:

The Agent has the option to renew this Agreement for a further period of five (5) years, from 4 November 2013 until 3 November 2018. The renewed term will be upon the same terms and conditions as this Agreement except this clause shall be omitted. If the Agent wishes to exercise this option the Agent must give notice in writing to the Committee not less than three (3) calendar months and not more than six (6) calendar months prior to 3 November 2013.

and that the body corporate enter into and sign under seal the deed of variation attached to this agenda."

Brian Fisher raised concern that Peter Zunker place this motion on the agenda. Peter Zunker advised the meeting that he has presented this resolution to be voted on in accordance with the resolution of the Notre Dame Body Corporate. He is following the instructions of the Notre Dame resolution and will be voting in accordance with these instructions. He was concerned for his own personal liability in the matter if he did not follow the wishes of his lot holders.

John Gilliland advised the meeting that Peter Zunker should not be allowed to vote. Peter Zunker advised he had advice that he could vote on the motion.

Pat Brown and Tony Rich advised they considered Peter Zunker could vote as the Representative for Notre Dame because he has presented the motion on behalf his body corporate, not in his own capacity.

John Gilliland handed the Body Corporate Manager various documents to be included in the minutes in relation to the voting on motion 13

This motion was **lost** with votes received as follows :-

YES: 1 NO: 4 ABSTAIN: 0

Motion 14

The following motion was read to the meeting:-

Comprehensive Resolution

**Amend By-laws:
Use of Building
Manager's Lot and
Entering into
Agreements:**

"Amendment of By-laws

That Motion 2 passed at the AGM held on May 11, 2006, by which the Body Corporate purported to amend its By-laws by adding a new By-law 29 which deleted part of By-law 22, deleted By-law 22A and replaced By-law 23, be revoked so that By-laws 22-23, as reprinted below, in place at May 11, 2006, remain unchanged.

Original By-laws 22-23 to remain unchanged

22. Use of Building Manager's Lot

Lot 4 in the Building Units Plan to be known as Notre Dame, and Lot 64 in the Building Units Plan known as Oxford and Cambridge and until both of these lots are completed and registered such other lot or combination of lots in Cathedral Place as are used for the purposes of management and letting in accordance with By-law 23 ("the Management Unit") may be used for the purposes of Management of the property and for the sale and letting of units in the buildings on behalf of the proprietors, and the rendering of such services to occupants of units in the building and may without the consent of the Body Corporate Committee display signs or notices for the purposes of offering for sale or for lease or for letting any unit in the building. The right to use the said lots for these purposes must not be revoked without the written consent of the proprietor of the lot. For the purposes aforesaid the Body Corporate shall have power to grant to the proprietor of the Management Unit the right to carry on in the property the business of letting units in the building and for the purpose to enter into any appropriate agreement on such terms and conditions as the Body Corporate may deem fit.

22A.

Except as authorised in By-law 22, the Body Corporate prohibits the use of any part of the Cathedral Place Development (which includes the common property of the Community Body Corporate and all the lots and common property of the buildings known as Cathedral Village, Duhig, Kensington and Sandringham, Canterbury and Westminster, Oxford and Cambridge and Notre Dame) for the purposes of the sale and letting of the lots or car parks within the development on behalf of proprietors except for the sale of lots within the development by Cathedral Place Developments Pty Ltd

(b) The proprietor of the Management Unit, or any party associated with the said proprietor who has care and control of the said lot is authorised to be the letting agent for such of the proprietors of Cathedral Place who shall desire to appoint such party as their letting agent

(c) The Committee of the Body Corporate hereby consents to the manager's application to the Auctioneers and Agents Committee of the Office of Corporate Affairs to conduct a letting business in relation to the units in Cathedral Place from the Management Unit"

John Gilliland raised that the motion needed to be a resolution without dissent.

Peter Zunker responded that the original motion changing the bylaw was not a resolution without dissent and therefore the By law was not correctly passed. Brian Fisher added that what has been done has been done, therefore it is lawful. Peter Zunker read the advice of Mark Mellick (Solicitor), which had been previously sent to members, to the meeting which stated that the motion should be a comprehensive motion. John Gilliland raised that Section 206A 1(c) applied, as Lot 4 was a Proprietor of a lot created by the registration of a building units or group titles plan.

Discussion was held on the reasons why the by-law was changed. John Gilliland advised the meeting that the reason the by-law was changed was to allow the body corporate to offer letting rights to the complex. Peter Zunker raised the issue that the only body corporate that could potentially benefit from the change in the by-law was the commercial lot holders, as no letting business could be conducted in a residential unit.

The Chairman ruled this motion out of order, but the matter needed to be revisited.

Motion 15

The following motion was read to the meeting:-

Resolution Without Dissent:

Amend By-Law 27 (E) (lii)– Levies : Restricted Common Property:

As Amended – also

Administrative Fund Levies: Restricted and Sinking Fund Levies: Restricted

"THAT By-law 27 (e) (iii) be amended to provide for a correction in the percentage for Kensington & Sandringham to provide for a share equal to the number of lots in the scheme as recorded for all other bodies corporate recorded in the By-law AND THAT the following By-law be approved and adopted by the Body Corporate and that the By-laws be recorded and registered at the Titles Office

(iii) The levies shall be charged in the following proportions:-

- (A) the Proprietors Notre Dame BUP 106912 – 157/514 share;
- (B) the Proprietors Oxford & Cambridge BUP 106905 – 72/514 share;
- (C) the Proprietors Canterbury & Westminster BUP 106911 – 98/514 share
- (D) the Proprietors Kensington & Sandringham BUP 106966 – 103/514 share
- (E) the Proprietors Duhig BUP 106965 – 84/514 share/514 share"

The motion was amended and read to the meeting:

"THAT By-law 27 (e) (iii) be amended to provide for a correction in the percentage for Kensington & Sandringham to provide for a share equal to the number of lots in the scheme as recorded for all other bodies corporate recorded in the By-law AND THAT the following By-law be approved and adopted by the Body Corporate and that the By-laws be recorded and registered at the Titles Office

(iii) The levies shall be charged in the following proportions:-

- (A) the Proprietors Notre Dame BUP 106912 – 157/514 share;
- (B) the Proprietors Oxford & Cambridge BUP 106905 – 72/514 share;
- (C) the Proprietors Canterbury & Westminster BUP 106911 – 98/514 share

- (D) the Proprietors Kensington & Sandringham BUP 106966 – 103/514 share
 (E) the Proprietors Duhig BUP 106965 – 84/514 share/514 share”

AND THAT the Levy Contributions for the Administrative Fund – Restricted Areas resolved at Motion 6 be amended to read:

“That the **Administrative Fund – Restricted Areas** for the year ending 31 August 2008 be **\$113,889.00** (inc GST) at **\$221.5739** per lot entitlement (total of 514) and that the contributions shall be due and payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$428.15	Already levied
01/12/07 – 28/02/08	\$540.00	Already levied
01/03/08 – 31/05/08	\$-373.288	14/07/08
01/06/08 – 31/08/08	\$-373.288	14/07/08

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2007/08 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$183.9397	01/09/08”

AND THAT the Levy Contributions for the Sinking Fund – Restricted Areas resolved at Motion 8 be amended to read:

“That the **Sinking Fund – Restricted Areas** for the year ending 31 August 2008 be **\$81,808.00** (inc GST) at **\$159.1595** per lot entitlement (total of 514) and that the contributions shall be due and payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/07 – 30/11/07	\$94.0388	Already levied
01/12/07 – 28/02/08	\$21.7069	14/07/08
01/03/08 – 31/05/08	\$21.7069	14/07/08
01/06/08 – 31/08/08	\$21.7069	14/07/08

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly instalments the Treasurer be authorised to issue the levy notices for the first quarter of the 2006/07 financial year at the same annual rate as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
01/09/08 – 30/11/08	\$80.07	01/09/08”

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 16

The following motion was read to the meeting:-

Resolution Without Dissent:

Sharing of Costs for Use of Foyer of Notre Dame:

“Sharing Of Costs For Notre Dame/Cathedral Place Foyer

THAT the Community Body Corporate enter into an agreement with the Proprietors of the Body Corporate for Notre Dame BUP 106912 to ensure costs for maintaining the Cathedral Place foyer area located on the common property of Notre Dame are shared equally between the residential subsidiary bodies corporate as per the attached requirements and that the following be included in that agreement

1. Description of the Foyer

The Property affected by this Agreement is that part of the Common Property of the Body Corporate for Notre Dame BUP 106912 marked “Common Property”, Level C at Page 10 of BUP 106912, a copy of which is annexed to this Agreement

The Community Body Corporate has set up the Foyer area of Notre Dame for use

by owners and occupiers of the Residential Bodies Corporate, and is the main entrance to the Cathedral Place scheme.

2. Agreement between Community Body Corporate and Notre Dame Body Corporate

(1) to pay all costs related to maintain the Foyer, including cleaning, electricity, maintenance and upkeep of the premises and all items (including equipment) in the premises;

(2) to ensure all By-laws of the Notre Dame Body Corporate are met and action taken to rectify any breaches of these By-laws:

(3) to ensure all requirements of Commonwealth, State and Local Government are met including noise, and health and safety.

(4) that the Foyer is to be operated within hours and requirements prescribed by the Notre Dame Body Corporate 106912 which are consented to by the Committee of the Community Body Corporate

(5) to accept all liability for the Foyer, including public liability insurance.

(6) the Foyer can only be used for the current purpose of a Foyer and no alterations shall be made or activities conducted in the foyer without the written consent of the Notre Dame Body Corporate.

This agreement may be terminated at any time by either party by giving notice in writing to the Chairman of the body corporate.

Persons Entitled To Use

The persons entitled to use the Foyer of Notre Dame are the recorded owners and legal occupier of any lot in the following schemes:-

- (i) The Body Corporate for Notre Dame BUP 106912; and
- (ii) The Body Corporate for Oxford & Cambridge BUP 106905; and
- (iii) The Body Corporate for Canterbury & Westminster BUP 106911; and
- (iv) The Body Corporate for Duhig BUP 106965; and
- (iv) The Body Corporate For Kensington & Sandringham BUP 106966.

Sharing of Costs

All costs incurred in the Foyer area are shared according to the number of lots in each scheme recorded at 29.3, which shall be:-

- (i) Notre Dame BUP 106912 – 157 lots – 30.55%; and
- (ii) Oxford & Cambridge BUP 106905 – 72 lots – 14.01%; and
- (iii) Canterbury & Westminster BUP 106 911 – 98 lots – 19.06%;
- (iv) Duhig BUP 106965 – 84 lots - 16.34%
- (iv) Kensington & Sandringham BUP 106966 – 103 lots – 20.04%."

The formula for cost sharing was discussed and agreement could not be reached. The motion was ruled out of order by the Chairman as the formula was unacceptable to a majority of members, and is to be further considered by members for presentation at a further general meeting.

Motion 17

The following motion was read to the meeting:-

Ordinary Resolution

Interest on Unpaid Levies:

Interest On Unpaid Levies

THAT, in accordance with Cathedral Place Community By Law 20, a late payment fee be charged on all arrears of unpaid levies, and that one of the following options be accepted AND THAT the decision to implement this motion at any time shall require a motion of the Cathedral Place Community Body Corporate Committee

- A. the annual rate of interest to be paid on levies that are unpaid after 30 days due for payment, is the rate of interest charged by Commonwealth Bank known as the Overdraft Index monthly charging cycle rate, calculated and payable on the same basis as the terms and conditions as those applicable to the Commonwealth Overdraft account. The effective rate as at the 1st May 2008 being 12.12%.
- B. 30% per year (being 2.5% per month), being the rate applicable to bodies

corporate registered under the Body Corporate & Community Management Act 1997

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Option B of the motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 18

The following motion was read to the meeting:-

Resolution Without Dissent:

That the following By-law be approved and adopted by the Body Corporate and that the By-laws be recorded and registered at the Titles Office

Add New By-Law – Lift Maintenance & Painting:

1. Lift Maintenance & Painting

1.1 Section 176 (c) of the Mixed Use Development Act 1993 empowers a Community Body Corporate to enter into contracts for the supply of services to a parcel comprised in a building units plan

1.2 The Community Body Corporate has resolved to enter into contracts or agreements with contractors to provide maintenance services with regard to maintaining lifts in the parcel and painting and maintaining previously painted surfaces in the parcel.

1.3 Payment of Costs

Each Subsidiary Body Corporate in the parcel shall be required to pay the Community Body Corporate the actual cost of providing maintenance services with regard to maintaining lifts in the parcel and painting and maintaining previously painted surfaces in the parcel.

1.4 Budget

At the beginning of each financial year the Community Body Corporate must give each Subsidiary Body Corporate in the parcel a budget of the expected costs of providing maintenance services with regard to maintaining lifts, as appropriate, and painting and maintaining previously painted surfaces in the Subsidiary Body Corporate

1.5 Payment

a. Upon receiving a tax invoice for services rendered under 30.2 the Community Body Corporate, and then confirming the work has been satisfactorily performed and work and payment meets the requirements of the contracts or agreements with contractors, a tax invoice will be issued to each Subsidiary Body Corporate, as appropriate.

b. Upon issuing of a tax invoice to a Subsidiary Body Corporate payment shall be made on that invoice to the Community Body Corporate within 30 days of receipt.

1.6 Determining Costs

Each Subsidiary Body Corporate shall be required to pay costs on the following basis.

a. Lift Maintenance

Lift maintenance costs shall be based on the actual cost of providing that service as detailed in the agreement or contract and, for any other services provided, as detailed in the tax invoice. For any services outside the agreement or contract the Subsidiary Body Corporate shall approve the works.

b. Painting

The Community Body Corporate shall provide a breakdown of the costs for all work provided for each Subsidiary Body Corporate, or a breakdown of the sharing of costs in an agreement or contract

Peter Zunker advised the meeting that this by-law allowed the Community Body Corporate to charge the relevant bodies corporate for the cost of painting and lift maintenance beyond a doubt. John Gilliland advised he would not be voting in favour of the motion and it would fail.

This motion was **lost** with votes received as follows :-

YES: 5 NO: 1 ABSTAIN: 0

Motion 19

The following motion was read to the meeting and considered:-

Ordinary Resolution

**Actioning Auditor's
Recommendation -
Levies**

"That the recommendation of the Auditor of Cathedral Place Community Body Corporate in the post 2007 Audit report dated 14 January 2007 in relation to the levies based on the proper lot entitlements of 650, be adopted and the following overpaid levies be repaid to the following Bodies Corporate –

Notre Dame	\$9117
Oxford Cambridge	\$4181
Canterbury Westminster	\$5691
Duhig	\$4878
Sandringham Kensington	\$24290

And the following underpaid levies be collected –
Cathedral Village \$48177

And the body corporate manager is instructed to issue levy notices to execute this as soon as possible."

John Gilliland questioned whether the changes to the budgets and opening balances have rectified this.

Peter Zunker advised that the reallocation is in accordance with the correct lot entitlements, is relative to levies issued and is not relative to budgets and he could not go back to his lot holders and tell them that he disregarded the auditors advice in relation to this matter

Brian Fisher advised that members need to be convinced that this is a right action, that there are the correct amounts to be paid.

John Gilliland advised that prior owners at Cathedral Village may have paid an insufficient amount, and this is an estimate only.

Ken Morrisby advised that this was the auditor's recommendation, not a requirement and it needs to be investigated further.

The Chairman ruled the motion out of order

Brian Fisher is to consider the auditor's advice

Motion 20

The following motion was read to the meeting:-

Ordinary Resolution

**Release of
residential bodies
corporate from
Administration
Agreement**

"The Cathedral Place Community CODY corporate as party to the agreements known as the Administration Agreements between each of the following bodies corporate –

- (i) The Body Corporate for Notre Dame BUP 106912; and
- (ii) The Body Corporate for Oxford & Cambridge BUP 106905; and
- (iii) The Body Corporate for Canterbury & Westminster BUP 106911; and
- (iv) The Body Corporate for Duhig BUP 106965; and
- (iv) The Body Corporate For Kensington & Sandringham BUP 106966.

Agrees to terminate the said agreement with the respective body corporate should the body corporate pass a ordinary resolution at a general meeting of that body corporate requesting the termination of the said agreement. The termination to be effective from the date of that resolution of that body corporate."

John Gilliland advised he agrees to Cathedral Village considering entering into an Administration Agreement, and would require approval of the content if the CBC agrees to pay for legal advice

Peter Zunker advised the meeting that the agreements where faulty because of the lot entitlement clause and he also wanted the Notre Dame body corporate to have the same rights as the Cathedral Village body corporate. There was nothing stopping bodies corporate agreeing to beneficial contracts on a case by case basis.

This motion was **lost** with votes received as follows :-

YES: 2 NO: 3 ABSTAIN: 0

Motion 21

The following motion was read to the meeting:-

Ordinary Resolution

"The Cathedral Place Community CODY corporate as party to the agreements known as the Management Agreements between each of the following bodies

Release of residential bodies corporate from Management Agreement

corporate -

- (i) The Body Corporate for Notre Dame BUP 106912; and
- (ii) The Body Corporate for Oxford & Cambridge BUP 106905; and
- (iii) The Body Corporate for Canterbury & Westminster BUP 106911; and
- (iv) The Body Corporate for Duhig BUP 106965; and
- (iv) The Body Corporate For Kensington & Sandringham BUP 106966.

Agrees to terminate the said agreement with the respective body corporate should the body corporate pass a ordinary resolution at a general meeting of that body corporate requesting the termination of the said agreement. The termination to be effective from the date of that resolution of that body corporate."

This motion was **lost** with votes received as follows :-

YES: 2 NO: 3 ABSTAIN: 0

Motion 22

The following motion was read to the meeting:-

Ordinary Resolution

Service Agreement - Electricity

That the Body Corporate enter into a Service Agreement with Watts Energy Pty Ltd to provide management of electricity management including meter reading, invoicing, administration and revenue collection services in accordance with the Service Agreement provided to members and provided at this meeting for the period 1st June 2008 to 31st May 2009 at the fees outlined in the agreement and the agreement be executed by the Chairman and one other Committee member for the Body Corporate"

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Note

Peter Zunker requested it be recorded that tenders were not called, and that was in accordance with the opinion that the capacity of the General Meeting to do so. Body Corporate Manager advised that three other potential providers were approached and none agreed to provide a quote or proposal.

Motion 23

The following motion was read to the meeting:-

Ordinary Resolution

Add New By-Law -- Recovery of Moneys

That the following By-law be approved and adopted by the Body Corporate and that the By-law be recorded and registered at the Titles Office

- 1.1 An Owner (which expression shall extend to a corporation and a mortgagee in possession) shall pay on demand :-
 - 1.1.1 The whole of the Body Corporate's costs and expenses (including Solicitors and own client costs on a full basis) incurred in :-
 - a. recovering levies or moneys duly levied upon that Owners lot in the scheme by the Body Corporate pursuant to the Building Units & Group Titles Act 1980 (the "Act") or pursuant to the By-laws of the Body Corporate;
 - b. all legal or other proceedings concluded in favour of the Body Corporate taken by or against the relevant owner or occupier;
 - c. any damage to the common property or personal property vested in the Body Corporate which is caused or contributed by the relevant owner or occupier;
 - d. any damage caused by a breach of the Act or of these By-laws by any owner or occupier, or the tenants, clients, guests, servants, employees, agents, children, invitees, lessees or licensees, or contractors, of the owner or occupier or any of them.
- 1.2 The amount of any such costs will be deemed to be a liquidated debt due by the owner or occupier to the Body Corporate.
- 1.3 In the event that the owner fails to attend to the payment of such costs and

expenses after demand is made for the payment of same, the Body Corporate may take action for the recovery of same in any Court of competent jurisdiction.

- 1.3.1 In respect of the Body Corporate's party and party costs, the Body Corporate shall comply with any procedure for the taxation and recovery of costs provided for in the rules of the Court, Tribunal or other body which orders payment in favour of the Body Corporate.
- 1.3.2 The Body Corporate may also enter any costs payable to it as referred to in this By-law against the levy account of the owner's lot in the scheme and note the amount of such costs on any certificate issued in respect of the lot pursuant to Section 40 of the Act."

The motion was amended and read to the meeting:

That the By-law included in this motion be forwarded to Nicholsons Solicitors to provide advice on its validity as a By-law

This motion was **carried** with votes received as follows :-

YES: 5 NO: 0 ABSTAIN: 0

Motion 24

The following motion was read to the meeting:-

Ordinary Resolution

"That the following By-laws be approved and adopted by the Body Corporate and that the By-laws be recorded and registered at the Titles Office

**Add New By-Laws –
Noise & Nuisance
and Use of Pool &
Other Facilities**

1. Noise & Nuisance (Amendment of By-law 6)

- 1.1 No offensive activity shall be carried on the parcel, which shall include the scheme (subsidiary body corporate), on the Cathedral Place scheme (including the community body corporate and all subsidiary bodies corporate) or in any Lot nor shall anything be done thereon which may be, or may become an annoyance or nuisance to the neighbourhood or which may be likely to interfere with the peaceful enjoyment of the lot owners or occupiers of other Lots or any other person lawfully using the common property in particular and without limiting the generality of the foregoing:-
- 1.1.1 No loud noises, noxious odours, exterior speakers, horns, whistles, bells or other sound devices (other than security or warning devices used exclusively for such purposes), noisy or smoking vehicles, large power equipment or large power tools, or items which may unreasonably interfere with television or radio reception of any resident.
- 1.1.2 All radio or television receivers, musical instruments, CD/DVD players and the like shall be controlled so that the sound arising therefrom shall be reasonable and cannot cause annoyance to any other occupiers on the parcel.
- 1.1.3 No child, servant or guest of an owner or occupier of a lot shall be permitted to cause any annoyance to other occupiers on the parcel.
- 1.1.4 In the event of any unavoidable noise in a lot at any time the owner or occupier thereof shall take all practical means to minimize annoyance to other occupiers of lots by closing all doors, windows and curtains of his lot and also such further steps as may be within his power for the same purpose.
- 1.1.5 Guests, invitees and the like leaving after 11.00 p.m. shall be requested by their hosts to leave quietly. Quietness also shall be observed when an occupier of a lot returns to the complex late at night or early morning hours.
- 1.1.6 The activity shall include any activity which may be detrimental to the health and wellbeing of other occupiers, any person lawfully using the common property or the neighbourhood, which shall include smoking and any result from smoking

2. Use Of Pool & Other Facilities *New By-law*

- 2.1 All owners and occupiers of lots in the scheme may use the swimming pool and pool area, spa (if any), sauna (if any), barbecue area, foyer, and all facilities on the common property of the parcel subject to the following rules, or others the Committee may from time to time make, which will, where appropriate, apply to all guests or invitees of lot owners or occupiers.
- 2.1.1 The swimming pool, spa (if any), sauna (if any), barbecue area, foyer, and associated facilities will not be used by guests or invitees unless accompanied by the host, lot owner or occupier;
 - 2.1.2 Children below the age of thirteen (13) years will at all times be accompanied by an adult owner or occupier exercising effective control over them;
 - 2.1.3 Alcoholic beverages are not to be consumed in or around the swimming pool enclosures but may be consumed in and around the barbecue area;
 - 2.1.4 Running, rough play in or out of the pool, excessive splashing, improper diving from the board (if any) or sides or running and jumping into the pool so as to create a large splash (bombing) is prohibited.
 - 2.1.5 Food, glass, breakable items, and pets will not be brought into the pool and spa (if any) areas;
 - 2.1.6 The swimming pool, spa (if any), sauna (if any), and barbecue areas may only be used between the hours of 7.00 am and 10.00 pm, or as displayed on the 'Pool Rules' sign adjacent to the pool. Such hours of use to be determined by the Committee of the Subsidiary or Community Body Corporate.
 - 2.1.7 The cooking appliances and appurtenances thereto are to be used in a proper manner and turned off according to their operating instructions, and such appliances and appurtenances are to be thoroughly cleaned after use;
 - 2.1.8 After facilities are used, the relevant area is to be left in a clean and tidy state and available to the next users. Failing to comply with this may incur a cleaning cos
 - 2.1.9 Common property and Body Corporate assets will not be defaced, damaged or removed;
 - 2.1.10 The Body Corporate or Caretaker may operate a reservation system for common property facilities and assets with which lot owners and occupiers shall comply.
 - 2.1.11 Failure to abide by these By-laws, which shall include, but not be limited to, providing resources (including cleaning staff, equipment or specialist contractors and hire of equipment) or payment of any fines or fees issued by any local or federal authority, any required repair or replacement shall be paid by the occupant or the owner of the unit."

The motion was ruled out of order on the basis that the resolution should have been a comprehensive resolution and should be submitted for vote at the next general meeting.

Committee Elections

Chairperson:

Five nominations were received for the position of Chairperson from Brian Fisher, John Gilliland, Tony Rich, Peter Zunker and Pat Brown. A secret ballot was held.

Brian Fisher – 2 votes
John Gilliland – 0 votes
Tony Rich – 3 votes
Peter Zunker – 0 votes
Pat Brown – 0 votes

Tony Rich was therefore declared elected as Chairperson

Secretary:

Four nominations were received for the position of Secretary from Brian Fisher, John Gilliland, Peter Zunker and Pat Brown. A secret ballot was held.

Brian Fisher – 2 votes
John Gilliland – 0 votes
Peter Zunker – 0 votes
Pat Brown – 3 votes

Pat Brown was declared elected as Secretary

Treasurer:

Four nominations were received for the position of Secretary from Brian Fisher, John Gilliland, Peter Zunker and Pat Brown. A secret ballot was held.

Brian Fisher – 0 votes
John Gilliland – 2 votes
Peter Zunker – 3 votes
Pat Brown – 0 votes

Peter Zunker was therefore declared elected as Treasurer

Committee Positions:

Four nominations were received for the position of Ordinary Committee Member, from Brian Fisher, John Gilliland, Peter Zunker and Pat Brown

Pat Brown and Peter Zunker were elected as Secretary and Treasurer and therefore were not considered for Ordinary Committee Member positions

Brian Fisher and John Gilliland were declared elected as Ordinary Committee Members

There remained one vacant position

Ken Morrisby nominated for the vacant position and was elected as an Ordinary Committee Member

The Chairman declared the meeting closed at 10.00 pm

Confirmed.

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Chairman