

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE BODY CORPORATE FOR
CATHEDRAL PLACE CBC COMMUNITY TITLES SCHEME 106902
HELD AT THE MEETING ROOM, CATHEDRAL PLACE
ON 21 APRIL 2009 AT 5:30PM**

Representation:

Mr Peter Zunker	Representative - 'A' – Notre Dame
Mr Patrick Brown	Representative - 'B/C' – Oxford & Cambridge
Mr Tony Rich	Representative - 'D/E' – Canterbury & Westminster
Mr Randall Edwards	Representative - 'F' - Duhig
Mr Larry Cowling	Representative - 'G/H' – Kensington & Sandringham <i>(Arrived at 6:00pm)</i>
Mr John Gilliland	Representative - Cathedral Village
Mr Grant Mifsud	Representing Archers Corporate Management Pty Ltd
Mr Lloyd Anderson & Mr David Gosling	Representing Star Building Management <i>(Arrived 6.15pm and departed 6.25pm)</i>

Present:

Kong Yuen	Owner Lot 4 & 17 Cathedral Village
Paul Wong	Owner Lot 6 & 7 Cathedral Village
Miao Hsu	Owner Lot 8 Cathedral Village
T.S Vo & T.M Dudoug	Co-Owners Lot 9 & 29 Cathedral Village
John Cipollone	Owner Lot 10 Cathedral Village
Joseph Walker	Owner Lot 27 Cathedral Village
Lindsay Anlezark	Owner Lot A147 Notre Dame
Crestina Ceraolo	Owner Lot B3 Oxford & Cambridge
Diane Davis	Owner Lot B4 Oxford & Cambridge
Todd Raumer	Rep Owner Lot C37 Oxford & Cambridge
Brian Fisher	Owner Lot D34 Duhig
Gil Bick	Owner Lot G15 Kensington & Sandringham
Ilona Berecz	Owner Lot H36 Kensington & Sandringham

Apologies: Nil

Proxies: Nil

Voting Papers: Mr Peter Zunker Representative - 'A' – Notre Dame

Quorum: As greater than 25% of the owners were represented either by person, by proxy or by voting paper, a quorum was formed.

Chairperson: Mr Tony Rich chaired the meeting.

Preliminary: The body corporate manager advised that all members were financial and could vote at this meeting. The Chairperson advised that the minutes are to reflect the Cathedral Village Representatives request to rule the meeting invalid due to insufficient meeting notice period and legal opinion had been sent to the chairperson today to that effect. The Chairperson ruled that the meeting is to proceed. All the members other than the Village representative agreed to proceed with the meeting. The village representative requested that all motions be voted as a poll

Ordinary Resolution – Minutes of Previous Meeting: The following motion was read to the meeting:-

That the Minutes of the Extraordinary General Meeting held on 19 November 2008 and forwarded to Body Corporate members thereafter, be adopted as a true and correct record.

This motion was declared Carried with the following votes received:-
YES : 5 NO : Nil ABSTAIN : Nil INVALID : Nil

**Ordinary Resolution –
Statement of Accounts:**

The following motion was read to the meeting:-

That the Audited Statement of Accounts for the year ended 31st August 2008 together with Balance Sheet as at that date be received and adopted.

This motion was declared Not Carried with the following votes received:-
YES : Nil NO : 5 ABSTAIN : Nil INVALID : Nil

**Special Resolution –
Audit of the Books and
Records of the Body
Corporate:**

The following motion was read to the meeting:-

It is resolved that the Body Corporate's Statement of Accounts for the financial year ending 31 August 2009 NOT be audited.

This motion was declared Not Carried with the following votes received:-
YES : Nil NO : 5 ABSTAIN : Nil INVALID : Nil

**Ordinary Resolution –
Appointment of Auditor:**

The following motion was read to the meeting:-

That in the event of an audit being required, the audit of the Books and Accounts of the Body Corporate shall be carried out by:

Carthills

This motion was declared Carried with the following votes received:-

YES : 4 NO : 1 Notre Dame ABSTAIN : Nil INVALID : Nil

**Ordinary Resolution –
Unrestricted
Administrative Fund
Budget & Contributions:**

The following motion was read to the meeting:-

That pursuant to the Mixed Use Development Act, the Administrative Fund for the year ending 31st August 2009 be \$172,392.00 Gross (being \$265.22 per unit of entitlement) and that pursuant the Mixed Use Development Act, the contributions in respect to the Unrestricted Administrative Fund shall be due & payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
1/09/08 to 30/11/08	\$46.538	Already levied
1/12/08 to 28/02/09	\$72.894	30/1/09
1/03/09 to 31/05/09	\$72.894	30/4/09
1/06/09 to 31/08/09	\$72.894	30/7/09

It is further resolved that, pursuant to the Mixed Use Development Act, the Treasurer be authorised to issue the levy notices for the first period of the new 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>
1/09/09 to 30/11/09	\$66.305	30/10/09

This motion was declared Carried/Not with the following votes received:-

YES : 4 NO : Nil ABSTAIN : 1Village INVALID : No.

**Ordinary Resolution –
Restricted
Administrative Fund
Budget & Contributions:**

The following motion was read to the meeting:-

That pursuant to the mixed Use Development Act, the Administrative Fund for the year ending 31st August 2009 be \$244,344.00 Gross (being \$475.37763 per unit of entitlement) and that pursuant to mixed Use Development Act, the contributions in respect to the Restricted Administrative Fund shall be due & payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
1/09/08 to 30/11/08	\$186.48	Already levied
1/12/08 to 28/02/09	\$96.299	30/1/09
1/03/09 to 31/05/09	\$96.299	30/4/09
1/06/09 to 31/08/09	\$96.299	30/7/09

It is further resolved that, pursuant to the Mixed Use Development Act, the Treasurer be authorised to issue the levy notices for the first period of the new 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>
1/09/09 to 30/11/09	\$118.844	30/10/09

This motion was declared Carried with the following votes received:-
YES : 4 NO : 1 Village ABSTAIN : Nil INVALID : Nil

Mr Larry Cowling joined the meeting at this juncture

**Ordinary Resolution –
Unrestricted Sinking
Fund Budget &
Contributions:**

The following motion was read to the meeting:-

That pursuant to the Mixed Use Development Act, the Sinking Fund for the year ending 31st August 2009 be \$2,708.00 Gross (being \$4.17 per unit of entitlement) and that pursuant to the Mixed Use Development Act, the contributions in respect to the Sinking Fund shall be due & payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
1/09/08 to 30/11/08	\$1.0334	Already levied
1/12/08 to 28/02/09	\$1.0455	30/1/09
1/03/09 to 31/05/09	\$1.0455	30/4/09
1/06/09 to 31/08/09	\$1.0455	30/7/09

It is further resolved that, pursuant to the Mixed Use Development Act, he Treasurer be authorised to issue the levy notices for the first period of the new 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>
1/09/09 to 30/11/09	\$1.0425	30/10/09

This motion was declared Carried with the following votes received:-
YES : 6 NO : Nil ABSTAIN : Nil INVALID : Nil

**Ordinary Resolution –
Restricted Sinking Fund
Budget & Contributions:**

The following motion was read to the meeting:-

That pursuant to the Mixed Use Development Act, the Sinking Fund for the year ending 31st August 2009 be \$0.00 Gross (being \$0.00 per unit of entitlement) and that pursuant to the Mixed Use Development Act, the contributions in respect to the Sinking Fund shall be due & payable as follows:-

<u>Period</u>	<u>Contribution per Unit of Entitlement</u>	<u>Due Date for Payment</u>
1/09/08 to 30/11/08	\$81.175	Already levied

This motion was declared Not Carried with the following votes received:-
YES : 1Notre Dame NO : 5 ABSTAIN : Nil INVALID : Nil

Ordinary Resolution – Confirmation of Insurance:

The following motion was read to the meeting:-

It is resolved that the following insurance be confirmed:-

Insurer:	Strata Unit Underwriters
Policy No:	NEW016603
Due Date:	31/08/09
Sum Insured:	Building \$47,858,000
	Public Liability \$20,000,000
Premium:	\$28021.43
Excess:	\$500

And that the committee of the body corporate be authorized to obtain quotes and place insurance based on the best premium and policy available for the financial year ended 31/08/10

This motion was declared Carried with the following votes received:-

YES : 6 NO : Nil ABSTAIN : Nil INVALID : Nil

Ordinary Resolution – Removal of Easement R & S

The following motion was read to the meeting:-

That the community body corporate assist the Notre Dame body corporate to remove easement R & S which was granted without the consent of the Notre Dame body corporate. Refer attachment A

Vote Yes to assist Notre Dame body corporate

The Representative for Cathedral Village noted objection to the motion and requested that the motion be ruled out of order and tabled a document being a Notre Dame minute for inclusion in the minutes.

The Chairperson ruled that the motion is to proceed.

This motion was declared Not Carried with the following votes received:-

YES : 1 Notre Dame NO : 5 ABSTAIN : Nil INVALID : Nil

Break in proceedings to introduce replacement Caretaker Representative. The meeting thanked the Representatives for their attendance.

Ordinary Resolution – By-Law 28 – Write to Minister Responsible

The following motion was read to the meeting:-

That the Community Body Corporate instruct the body corporate solicitors to write to the government minister responsible for the registration of the bylaws to request that the by law 28 be repealed for either or both of the following two reasons – which ever is applicable -

The original by-law was adopted as a comprehensive resolution when required to be a resolution without dissent – refer also attachment B - Herbert Geer advice dated 19 September 2008.

The By Law purports to assign rights over the property of Notre Dame to which the Community Body Corporate has no such rights to do so. Refer attachment C copy of bylaw and plans. Marked area yellow still the property of Notre Dame.

Vote Yes to write to the Minister.

The Representative for Cathedral Village noted objection to the motion and requested that the motion be ruled out of order on the basis of legal opinion that it had received from Herbert Geer that was read to the meeting

The Chairperson ruled that the motion is to proceed.

This motion was declared Carried with the following votes received:-

YES : 4 NO : 2 Duhig, Village ABSTAIN : Nil INVALID : Nil

**Comprehensive
Resolution – Deletion of
Motion 28**

The following motion was read to the meeting:-

If it is determined by the Cathedral Place Community Body Corporate in the preceding motion titled **By-Law 28- write to Minister responsible** - that the original By-Law 28 did not require a resolution without dissent to be enacted - THAT the Community Body Corporate resolve by comprehensive resolution to delete by-law 28 as set out below and the body corporate's solicitors be authorised to take all steps required to remove by-law 28 from the by-laws of the body corporate.

BY –LAW 28. RESTRICTED COMMUNITY PROPERTY – VISITORS CARPARK

(a) Application of By-Law

This By-law applies to the visitor Carpark designated on the plan attached to this By-Law ("Visitor Carpark). Part of the Visitors Carpark is Community Common Property and part of the Visitors Carpark is Common property for the subsidiary body corporate known as "Notre Dame". The By-Law applies to the portion of the visitors carpark that is on Community Common Property. The By-law is intended to apply to that portion of the visitors carpark that is common property for Notre Dame on registration of an easement from the proprietors Notre Dame BUP 106911 granting the benefit of that area to the Community Body Corporate for car parking purposes.

(b) Persons Entitled to Use

The persons entitled to use the Visitors Carpark are the Proprietors "Cathedral Village" 106957 and any person authorised by them, all of whom are individually and collectively referred to as "Authorised Persons".

(c) Conditions of use

The Proprietors Cathedral Village BUP 106957 must ensure that the visitors Carpark is used:-

- (i) only for the purposes ancillary to the Mixed Use Development of Cathedral Place;
- (ii) In a manner that complies with the By-laws from time to time for the Cathedral Place Community Body Corporate.

(d) Maintenance

The Proprietors " Cathedral Village " BUP 106957 must maintain the visitor carpark in a state similar to the other car parking areas on the common property for the Cathedral Place Community Body Corporate.

This motion was withdrawn.

**Comprehensive
Resolution – Sharing of
Costs for Notre Dame /
Cathedral Place Foyer**

The following motion was read to the meeting:-

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 proportionally between the residential subsidiary bodies corporate and that the following be included in that agreement
Vote Yes to enter into agreement

Agreement for Use of Foyer of Notre Dame.

1. Description of the Foyer

a. 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

b. 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.

(5) 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.

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

2. 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.

(iv) Duhig BUP 106965 – 84 lots - 16.34%

(iv) Kensington & Sandringham BUP 106966 – 103 lots – 20.04%.

3. 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%;

This motion was withdrawn.

**Resolution Without
Dissent – Refund to
Electricity Consumers**

The following motion was read to the meeting:-

That the amount of \$259702.63 – calculated as follows -

As provided in the 2008 financial accounts	\$231,081.82
Less interest on general account funds	\$3,197.37
Plus the disbursed funds	\$31,818.18
Total to be disbursed is	\$25,9702.63

Is to be refunded to the lot holders in Cathedral Place in the proportions as calculated by Watts energy within one week after all of the following has occurred.

1. The Village Body Corporate has repaid to each of the residential bodies corporate the amounts as charged on or around the 19/12/2005 being an amount calculated to adjust a prior distribution of electricity .
2. The Village body corporate has repaid the outstanding levies owing to the Community Body Corporate as at the date of passing this resolution.
3. The Village body corporate has repaid the outstanding invoices owing to the Community Body Corporate - as issued by Archers Body Corporate - as at the date of passing this resolution.
4. The amount of \$77,581.08 (as reimbursed expenses) is transferred from the electricity bank account to the respective funds bank account – be it restricted or unrestricted – where the original expense was paid from.
5. The amount distributed of \$31,818.18 is repaid by each of the bodies corporate in the proportions as it had been distributed in the 2005 year and the proceeds deposited in the electricity fund for refund
6. An amount of \$3,197.37. is paid to the respective funds – be it restricted or unrestricted – in proportion of where the original expense was paid from divided by the total of \$77,581.08.

Vote Yes to distribute funds in accordance with this motion

This motion was amended to read as follows:-

That the amount of \$259702.63 – calculated as follows -

As provided in the 2008 financial accounts	\$231,081.82
Less interest on general account funds	\$3,197.37
Plus the disbursed funds	\$31,818.18
Total to be disbursed is	\$25,9702.63

Is to be paid to the lot holders in Cathedral Place (and returned to the consumers by those lotholders) in the proportions as calculated by Watts energy within one week after all of the following has occurred.

1. The Village Body Corporate has repaid to each of the residential bodies corporate the amounts as charged on or around the 19/12/2005 being an amount calculated to adjust a prior distribution of electricity.
2. The Village body corporate has repaid the outstanding levies owing to the Community Body Corporate as at the date of passing this resolution.
3. The amount distributed of \$31,818.18 is repaid by each of the bodies corporate in the proportions as it had been distributed in the 2005 year and the proceeds deposited in the electricity fund for refund
4. An amount of \$3,197.37. is paid to the respective funds – be it restricted or unrestricted – in proportion of where the original expense was paid from divided by the total of \$77,581.08.

Vote Yes to distribute funds in accordance with this motion

This motion was declared Carried with the following votes received:-

YES : 6 NO : Nil ABSTAIN : Nil INVALID : Nil

**Ordinary Resolution -
Release of Residential
Bodies Corporate from
Administration
Agreement**

The following motion was read the meeting:-

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.

This motion was withdrawn

**Ordinary Resolution -
Release of Residential
Bodies Corporate from
Management Agreement**

The following motion was read the meeting:-

The Cathedral Place Community CODY corporate as party to the agreements known as the Management 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.

This motion withdrawn.

**Ordinary Resolution -
Calculation of Levies in
Accordance with Lot
Entitlements**

The following motion was read the meeting:-

That the Auditor be requested to advise the amount of levies paid based on incorrect lot entitlements in ANY of the prior years and the corrections necessary to ensure that the levy raised is paid on correct lot entitlements (similar to the advice provided for the 2007 year but in relation to incorrect prior years) AND THAT on the provision of this advice that the committee is instructed to raise a levy for the amounts as advised by the Auditor.

This motion was declared Carried with the following votes received:-

YES : 6 NO : Nil ABSTAIN : Nil INVALID : Nil

Election of Committee:

CHAIRPERSON:

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

Patrick Brown – 2 votes
John Gilliland – 0 votes
Peter Zunker – 0 votes

Brian Fisher – 2 votes
Anthony Rich – 2 votes

In accordance with schedule 1 section 14 (2) of the BUGT Act Regulation 1998 the result of the election was decided by chance by way of randomly selecting the name from a hat as agreed by the meeting which resulted in **Mr Patrick Brown** being duly elected Chairperson.

SECRETARY:

Four nominations were received for the position of Secretary. Nominations were received from Patrick Brown, John Gilliland, Anthony Rich and Peter Zunker. A secret ballot was held.

Patrick Brown – 3 votes
Anthony Rich – 2 votes

John Gilliland – 1 votes
Peter Zunker – 0 votes

As Patrick Brown and Anthony Rich withdrew from nomination, **Mr John Gilliland** was duly elected Secretary.

TREASURER:

Four nominations were received for the position of Treasurer. Nominations were received from Patrick Brown, John Gilliland, Anthony Rich and Peter Zunker. A secret ballot was held.

Patrick Brown – 0 votes
Anthony Rich – 1 votes

John Gilliland – 2 votes
Peter Zunker – 3 votes

Mr Peter Zunker was therefore duly elected Treasurer.

COMMITTEE POSITIONS:

Five nominations were received for the position of Ordinary Member. Nominations were received from Patrick Brown, Larry Cowling, John Gilliland, Anthony Rich and Peter Zunker. A secret ballot was held.

Patrick Brown – 1 votes
John Gilliland – 2 votes
Peter Zunker – 1 votes

Larry Cowling – 3 votes
Anthony Rich – 3 votes

Patrick Brown was elected as Chairperson and John Gilliland was elected as Secretary and therefore were not considered for Ordinary Member positions.

Mr Larry Cowling and **Mr Tony Rich** were duly elected as Ordinary Members. There remained one vacant Ordinary Member position.

Mr Randall Edwards nominated for the vacant position of Ordinary member and was duly elected.

There being no further business, the meeting closed at 7:30pm

Confirmed.

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Chairperson