

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE BODY CORPORATE FOR
CATHEDRAL PLACE CBC MIXED COMMUNITY PLAN 106902
HELD AT THE MEETING ROOM, CATHEDRAL PLACE
ON 28 May 2009 AT 6:00PM**

- 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 |
| Mr John Gilliland | Representative - Cathedral Village |
| Mr Grant Mifsud | Representing Archers Corporate Management Pty Ltd |
- Present:**
- | | |
|-------------------|--|
| Lorraine Zunker | Owner Lot A140 Notre Dame |
| Lindsay Anlezark | Owner Lot A147 Notre Dame |
| Crestina Ceraolo | Owner Lot B3 Oxford & Cambridge |
| Todd Raumer | Rep Owner Lot C37 Oxford & Cambridge |
| Milomirka Radovic | Owner Lot G1 Kensington & Sandringham |
| Gil Bick | Owner Lot G15 Kensington & Sandringham |
| Ilona Berecz | Owner Lot H36 Kensington & Sandringham |
- Apologies:** Nil
- Proxies:** Nil
- Voting Papers:** Nil
- 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 Chairperson opened discussion with the Notre Dame Representative in relation to Caretaking Agreement matters. It was noted that any issues to be raised in relation to Caretaking agreement matters are to be submitted to the CBC via the Representatives.
- 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.
- The meeting noted that the minutes of the purported AGM held 21 April 2009 have not been confirmed.*
- This motion was declared Carried with the following votes received:-
YES: : 'B & C' – 72, 'D & E' – 98 , 'F' – 84 = 313, 'G & H' – 96, Cathedral Village' – 143 = 493
NO: A' – 157 ABSTAIN: Nil
- The Notre Dame representative requested that all motions be voted as a poll.**
- 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: A' – 157, 'B & C' – 72, 'D & E' – 98 , 'F' – 84 = 313, 'G & H' – 96, Cathedral Village' – 143 = 650

ABSTAIN: 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: A' – 157, 'B & C' – 72, 'D & E' – 98 , 'F' – 84 = 313, 'G & H' – 96, Cathedral Village' – 143 = 650

ABSTAIN: 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: 'D & E' – 98, 'F' – 84, 'G & H' – 96, Cathedral Village' – 143 = 421

NO: 'A' - 157, 'B & C' - 72 = 229 ABSTAIN: 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 and inclusive of GST (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 with the following votes received:-

YES: A' – 157, 'B & C' – 72, 'D & E' – 98 , 'F' – 84 = 313, 'G & H' – 96, Cathedral Village' – 143 = 650

NO: Nil ABSTAIN: Nil

**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 and inclusive of GST (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: A' – 157, 'B & C' – 72, 'D & E' – 98 , 'F' – 84 = 313, 'G & H' – 96, Cathedral Village' – 143 = 650

NO: Nil ABSTAIN: Nil

**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 and inclusive of GST (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, 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	\$1.0425	30/10/09

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

YES: A' – 157, 'B & C' – 72, 'D & E' – 98 , 'F' – 84 = 313, 'G & H' – 96, Cathedral Village' – 143 = 650

NO: Nil ABSTAIN: 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 and inclusive of GST (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 and to be returned to lot holders
1/12/08 to 28/02/09	Nil	30/1/09
1/03/09 to 31/05/09	Nil	30/4/09
1/06/09 to 31/08/09	Nil	30/7/09

This motion was declared Not Carried with the following votes received:-
YES: 'A' - 157, 'B & C' - 72 = 229
NO: 'D & E' - 98, 'F' - 84, 'G & H' - 96, Cathedral Village' - 143 = 421
ABSTAIN: 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: 'A' - 157, 'B & C' - 72, 'D & E' - 98, 'F' - 84 = 313, 'G & H' - 96, Cathedral Village' - 143 = 650
NO: Nil ABSTAIN: 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

This motion was declared Not Carried with the following votes received:-
YES: 'A' - 157, 'B & C' - 72 = 229
NO: 'D & E' - 98, 'F' - 84, 'G & H' - 96, Cathedral Village' - 143 = 421
ABSTAIN: Nil

**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

This motion was declared Not Carried with the following votes received:-
YES: 'A' - 157, 'B & C' - 72 = 229
NO: 'D & E' - 98, 'F' - 84, 'G & H' - 96, Cathedral Village' - 143 = 421
ABSTAIN: 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 carparking 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 carparking areas on the common property for the Cathedral Place Community Body Corporate.

This motion was declared Not Carried with the following votes received:-
YES: 'A' - 157, 'B & C' - 72 = 229
NO: 'D & E' – 98, 'F' – 84, 'G & H' – 96, Cathedral Village' – 143 = 421
ABSTAIN: Nil

**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.

3. Sharing of Costs

All costs incurred in the Foyer area are shared in a manner acceptable to each of the the Bodies Corporate in the schemes of the persons entitled to use the Foyer of Notre Dame being –

- (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.

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

YES: 'A' - 157, 'B & C' - 72 = 229

NO: 'D & E' – 98, 'F' – 84, 'G & H' – 96, Cathedral Village' – 143 = 421

ABSTAIN: Nil

**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	\$259702.63

Is to be refunded to the lotholders, who will in turn be responsible for returning the funds to the consumers 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 matter under investigation in relation to the opening balances has been completed by the auditors and the resolution has been passed by a general meeting of the Cathedral Places Community Body Corporate putting the recommendations into effect.
3. 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.
4. 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
5. 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 withdrawn.

**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 later of this resolution or the date of that resolution of that body corporate.

This motion was declared Not Carried with the following votes received:-
YES: 'A' - 157, 'B & C' - 72 = 229
NO: 'D & E' – 98, 'F' – 84, 'G & H' – 96, Cathedral Village' – 143 = 421
ABSTAIN: Nil

**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 later of this resolution or the date of that resolution of that body corporate.

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

YES: 'A' - 157, 'B & C' - 72 = 229

NO: 'D & E' - 98, 'F' - 84, 'G & H' - 96, Cathedral Village' - 143 = 421

ABSTAIN: Nil

**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 body corporate manager is instructed to raise a levy for the amounts as advised by the committee.

This motion was ruled out of order by the Chairperson on the grounds that the motion contravenes the Mixed Use Development Act.

**Ordinary Resolution -
Formation of Sub-
Committee for providing
a recommendation for
the enclosure of
balconies of the
residential lots**

The following motion was read the meeting:-

That a sub-committee be formed as soon as possible, for the purpose of providing a final recommendation for caretaking services for the cathedral place residential bodies corporate to be voted on at a general meeting of the community body corporate before the 3rd of November 2009 and further -

1. That the sub-committee be formed from persons nominated by the body corporate committee's of Notre Dame, Oxford Cambridge, Canterbury Westminster, Duhig and Kensington Sandringham, There being no restriction on the size of the sub-committee.
 2. That meetings of the sub committee are open meetings.
 3. That the sub-committee members elect a chairman to run the meetings.
 4. That there are no restrictions on the ability of the subcommittee to determine what is best solution for caretaking services for Cathedral Place.
 5. That the subcommittee can submit a flying motion to the community body corporate to request funding or to implement an action necessary for the purposes of the sub committee by getting a committee member of the community body corporate to submit a motion on the subcommittee's behalf.
- Vote yes to form a subcommittee on this basis.

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

YES: 'A' - 157, 'B & C' - 72 = 229

NO: 'D & E' - 98, 'F' - 84, 'G & H' - 96, Cathedral Village' - 143 = 421

ABSTAIN: Nil

**Ordinary Resolution -
Formation of Sub-
Committee for providing
a recommendation for
the enclosure of
balconies of the
residential lots**

The following motion was read the meeting:-

That a sub-committee be formed as soon as possible, for the purpose of providing a recommendation for the enclosure of balconies of the residential lots.

That the sub-committee be formed from persons nominated by the body corporate committee's of Notre Dame, Oxford Cambridge, Canterbury Westminster, Duhig and Kensington Sandringham, There being no restriction on the size of the sub-committee.

That meetings of the sub committee are open meetings.

That the sub-committee members elect a chairman to run the meetings.

That there are no restrictions on the ability of the subcommittee to determine what is best solution for enclosure of balconies for Cathedral Place.

That the subcommittee can submit a flying motion to the community body corporate to request funding or to implement an action necessary for the purposes of the sub committee by getting a committee member of the community body corporate to submit a motion on the subcommittee's behalf.

Vote yes to form a subcommittee on this basis.

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

YES: 'A' - 157, 'B & C' - 72 = 229

NO: 'D & E' - 98, 'F' - 84, 'G & H' - 96, Cathedral Village' - 143 = 421

ABSTAIN: Nil

Election of Committee:

CHAIRPERSON:

Five nominations were received for the position of Chairperson. A secret ballot was held.

Patrick Brown - 0 votes

Randall Edwards - 4 votes

John Gilliland - 0 votes

Anthony Rich - 0 votes

Peter Zunker - 2 votes

Mr Randall Edwards was therefore duly elected Chairperson.

SECRETARY:

Four nominations were received for the position of Secretary. A secret ballot was held.

Patrick Brown - 2 votes

Randall Edwards - 0 votes

John Gilliland - 4 votes

Anthony Rich - 0 votes

Peter Zunker - 0 votes

Mr John Gilliland was duly elected Secretary.

TREASURER:

Five nominations were received for the position of Treasurer. A secret ballot was held.

Patrick Brown - 0 votes

Randall Edwards - 4 votes

John Gilliland - 0 votes

Anthony Rich - 0 votes

Peter Zunker - 2 votes

Mr Randall Edwards was therefore duly elected Treasurer.

COMMITTEE POSITIONS:

Six nominations were received for the position of Ordinary Member. A secret ballot was held.

Patrick Brown - 1 votes

Randall Edwards - 0 votes

Larry Cowling - 4 votes

John Gilliland - 0 votes

Anthony Rich - 4 votes

Peter Zunker - 1 votes

Randall Edwards was elected as Chairperson/Treasurer and John Gilliland was elected as Secretary and therefore were not considered for Ordinary Member positions.

Mr Patrick Brown, Mr Larry Cowling, Mr Tony Rich and Mr Peter Zunker were duly elected as Ordinary Members.

There being no further business, the meeting closed at 6:45pm

Confirmed.

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Chairperson