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**MINUTES OF THE COMMITTEE MEETING OF THE BODY CORPORATE FOR "CATHEDRAL PLACE"  
MIXED COMMUNITY PLAN 106902 HELD ON THURSDAY, 17 SEPTEMBER 2009 AT 5:00PM AT  
THE OFFICE OF SYGZY, CATHEDRAL VILLAGE, 115 WICKHAM STREET, FORTITUDE VALLEY**

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**PRESENT IN PERSON**

**Committee Voting Members:**

Randall Edwards (Chairman / Treasurer)

John Gilliland (Secretary)

Peter Zunker (departed 5:40pm), Tony Rich, Crestina Ceraolo, Todd Raumer (Ordinary Members)

**Committee Non Voting Members:**

David Gordon and Grant Kerrison representing Body Corporate Services Pty Ltd

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**APOLOGIES**

Michael Pointing

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**CHAIRMAN**

Randall Edwards chaired the meeting.

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**QUORUM**

The Chairman declared that a quorum was represented and the meeting was declared open at 5:10pm.

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**1 ACCEPTANCE OF PROXY** Michael Pointing represented by proxy to Todd Raumer

Peter Zunker represented by proxy to Crestina Ceraolo after 5:40pm

**MOTION:** - That the proxy from Michael Pointing in favour of Todd Raumer be accepted.

**MOTION:** - That the proxy from Peter Zunker in favour of Crestina Ceraolo be accepted.

**RESOLVED by Ordinary Resolution** the motion be **CARRIED**

**Voting:** Yes: - 6 No: - 0 Abstain: - 0

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**2 REQUEST TO ATTEND MEETING**

**MOTION:** - That Greg Przewlocki, proxy for A Block Notre Dame's BUP Nominee be permitted to attend the meeting in the capacity of observer.

**RESOLVED by Ordinary Resolution** the motion be **LOST**

**Voting:** Yes: - 3 No: - 3 Abstain: - 0

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### 3 CONFIRMATION OF MINUTES

**MOTION:** - That the (amended) minutes of the committee meeting held on 2 September 2009 be amended to reflect the following amendments:

- Motion 2: Voting was *Yes 5 No 0*
  - By deleting the words: *Peter Zunker voluntarily left the meeting while disagreeing that he had a conflict of interest;* and
  - inserting the words: *Peter Zunker voluntarily left the meeting while disagreeing that the Chairman could determine that he had a conflict of interest.*
- Motion 5a point 5: Voting was *Yes 5 No 1*
- Motion 6a point 5: be amended to read: *resolving by members* (not owners)
- Motion 6a: for clarity, it is noted that the Committee can only recommend to the General Meeting.

**RESOLVED by Ordinary Resolution** the motion be **CARRIED**

**Voting:** Yes: - 4 No: - 1 Abstain: - 1

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### 4 ISSUING OF LEVY NOTICES

Peter Zunker asked if the notices of levies from the General Meeting have been issued as Peter believes that the motion specified a date. The meeting noted that a check of the minutes revealed that this was not the case.

The Treasurer advised that Carthills' (auditors) advice is still being compiled for review. The Treasurer further advised his belief that if we pass this motion and then issue levies, it is likely the levies will have to be reconsidered again. Therefore, the Treasurer has determined that levies should not be issued until the Carthills' review is considered by Committee.

The Secretary stated his opinion that levies must be issued lawfully. Debate continued between the parties regarding the proposed motion, the legality of the levies and the interpretation of the views of the Commissioner's office.

**MOTION:** - That the notice of levy be issued in accordance with the resolution passed at the EGM of CBC be issued tomorrow.

**RESOLVED by Ordinary Resolution** the motion be **LOST**

**Voting:** Yes: - 3 No: - 3 Abstain: - 0

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### 5 CORRESPONDENCE

#### **Deacons Lawyers letter tabled by Peter Zunker**

The meeting received the letter from Deacons Lawyers on behalf of Peter Zunker as Chairman of Notre Dame BUP. The meeting was informed that the Committee of Notre Dame had not met to authorise its production.

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### 6 CARETAKER TENDER

#### **Questions for Tenders**

Body Corporate Services had provided a list of the questions presented from the respective BUP Nominees.

Peter Zunker disputed the inclusion of questions regarding him personally in questions to be put to the tenderers.

The Chairman advised that he will rule that Peter Zunker not be involved in these discussions because of a possible or perceived conflict of interest.

Peter Zunker stated that the Body Corporate which he represents contributes approximately 25% to the Community Body Corporate funds so he wants this issue addressed.

The Committee continued to debate the issue of conflict of interest. Body Corporate Services advised its interpretation that the *MUD (Mixed Use Development) Act* does not have a *Conflict of*

*Interest* provision similar to either that of the *BUGT (Building Units & Group Titles) Act* and the *BCCM (Body Corporate & Community Management) Act*. The Committee should seek legal advice to clarify this issue.

Concerns of Peter Zunker:

- Questions 1 - 3: Peter Zunker believes that the Cathedral Village BUP has a conflict of interest in the appointment of the caretaker as it is not a party to the residential caretaking contracts.
- Question 4: That the matter of extending the agreement only to 3 November 2009 not be included.
- Question 5: How is the question of whether Peter and Geoff Zunker will be involved in the caretaking in the Eddie and Lorraine Zunker tender relevant to the caretaking task?
- Questions 7 - 8: Peter Zunker states the figure is not \$950,000.00 but \$790,000.00. Also, it was agreed to exclude the figures from questions.
- Question 10: What relevance does the question of the use of supporting proxies from the letting pool have to do with the caretaking? Body Corporate Services advised that, as instructed, Body Corporate Services received questions, submitted and supplied the list to members unedited.

*Peter Zunker departed the meeting at 5:40pm at the request of the Chairman passing his proxy to Crestina Ceraolo*

#### **Tabling of Caretaking Tender with Rider Levett Bucknall (RLB) Report**

The Chairman advised that Ken Morrisby was called overseas so RLB were unable to complete the task by the deadline.

Crestina Ceraolo questioned why are we dealing through Ken Morrisby when getting RLB to do the work? The Chairman responded that due to internal conflict of the Committee it was felt it was better to appoint someone to act independent of the Committee in the briefing as you cannot have a number of people issuing instructions.

The Secretary, John Gilliland, tabled a letter from RLB which was read to the meeting by the Chairman. The letter from RLB also raised probity concerns regarding the tender process. The Chairman advised that due to instructions received from individual members, RLB were seeking clarification.

Todd Raumer queried why this was not addressed earlier. This is taking too long.

**6a MOTION:** - That the Secretary respond on behalf of the Community Body Corporate to the RLB correspondence by the Secretary providing the requested information and responses and that the Secretary request from Ken Morrisby the information required from him to complete the response.

**RESOLVED by Unanimous Resolution** the motion be **CARRIED**

**Voting:** Yes: - 6 No: - 0 Abstain: - 0

**6b MOTION:** - That the services of Ken Morrisby be concluded following receipt of the requested information and the CBC Committee deal directly with RLB and that Ken be thanked for his services.

**RESOLVED by Unanimous Resolution** the motion be **CARRIED**

**Voting:** Yes: - 6 No: - 0 Abstain: - 0

**6c MOTION:** - That the Secretary be the appointed representative of Community Body Corporate to liaise with RLB; and further, that the Secretary copy all members of the Committee and the Body Corporate (excluding Peter Zunker due to probity issues raised by RLB) communications with RLB.

**RESOLVED by Unanimous Resolution** the motion be **CARRIED**

**Voting:** Yes: - 6 No: - 0 Abstain: - 0

**6d MOTION:** - That the Community Body Corporate requests Peter Zunker, as the delegate of Notre Dame BUP, to nominate Kelvin Abrahams to be the recipient of any and all tender related information and that CBC agrees to accept such nomination.

**RESOLVED by Unanimous Resolution** the motion be **CARRIED**

**Voting:** Yes: - 6 No: - 0 Abstain: - 0

**6e MOTION:** - That an invitation to the RLB chaired meetings to question the tenderers be extended to the Community Body Corporate Committee members (excluding Peter Zunker) and their proxies or nominees; and further, that this will be an informal meeting (ie: no formal decisions will be made) and will be held in Syzygy offices.

**RESOLVED by Resolution without Dissent** the motion be **CARRIED**

**Voting:** Yes: - 5 No: - 0 Abstain: - 1

**6f MOTION:** - That following the conclusion of the last interview, Body Corporate Services be authorised to issue the price excluded tender submission to the Committee members excluding Peter Zunker and that Body Corporate Services will individually mark each set and the recipient must sign for receipt in order to receive, and to avoid doubt, the distribution list shall be: Randall Edwards, John Gilliland, Tony Rich, Todd Raumer and Crestina Ceraolo.

**RESOLVED by Unanimous Resolution** the motion be **CARRIED**

**Voting:** Yes: - 5 No: - 0 Abstain: - 1

**6g MOTION:** - That the members listed in the prior motion, being Randall Edwards, John Gilliland, Tony Rich, Todd Raumer and Crestina Ceraolo, may attend Body Corporate Services' Toowong office to peruse, but not copy or take the documents, prior to the interviews.

**RESOLVED by Unanimous Resolution** that the motion be **CARRIED**

**Voting:** Yes: - 5 No: - 0 Abstain: - 1

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#### **NEXT MEETING**

**MOTION:** - That the next meeting be held at 1:00pm on Thursday, 24 September 2009 in the offices of Syzygy, Level 1, Cathedral Village: and further, that attendance is restricted to Committee members, and to avoid doubt, excluding Peter Zunker to avoid probity issues.

**RESOLVED by Unanimous Resolution** that the motion be **CARRIED**

**Voting:** Yes: - 5 No: - 0 Abstain: - 1

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#### **CLOSURE**

The Chairman declared the meeting closed at 7:10pm.

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**Secretary** John Gilliland  
**Address** c/- David Gordon  
Body Corporate Services Pty Limited  
PO Box 444  
BROADBEACH QLD 4218

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