
**MINUTES OF THE COMMITTEE MEETING OF THE BODY CORPORATE FOR "CATHEDRAL PLACE"
MIXED COMMUNITY PLAN 106902 HELD ON MONDAY, 28 SEPTEMBER 2009 AT 5:00PM AT THE
OFFICE OF SYGZY, CATHEDRAL VILLAGE, 115 WICKHAM STREET, FORTITUDE VALLEY**

PRESENT IN PERSON

Committee Voting Members:

Randall Edwards (Chairman / Treasurer)

John Gilliland (Secretary)

Peter Zunker (departed 8:25pm), Tony Rich, Crestina Ceraolo, Todd Raumer (Ordinary Members)

Committee Non Voting Members:

David Gordon and Grant Kerrison - Body Corporate Manager

VOTING PAPERS

Nil

APOLOGIES

Nil

OBSERVERS

Greg Przewlocki A Block - Notre Dame

Lee Xiao D Block - Canterbury

Neil Fleming E Block - Westminster

Jenny Croyston & Neil Nash B2 (Oxford)

CHAIRMAN

Randall Edwards chaired the meeting.

QUORUM

The Chairman declared that a quorum was represented and the meeting was declared open at 5:05pm.

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

Peter Zunker represented by proxy to Crestina Ceraolo after 8:25pm

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 Unanimous Resolution the motion be **CARRIED**

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

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2 CONFIRMATION OF MINUTES AND FINANCIAL REPORT

The meeting noted that the minutes of the previous meeting had not yet been distributed. The minutes will be considered at the next meeting of the Committee.

Body Corporate Services confirmed that it had not completed upload of the financial records from Archers. This would be completed within 7 days.

3 CORRESPONDENCE

Tabled Statutory Declaration of Damian Jennings

Tony Rich advised the meeting he had met with the person who provided the Statutory Declaration and advises they understand the legal nature of their declaration.

3a MOTION: - That a copy of the Statutory Declaration of Damian Jennings be presented to the respective nominees for distribution to owners/occupiers and the nominees shall report back to the Committee of the Community Body Corporate as to distribution and method of distribution and the police be notified.

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

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

4 REQUEST EXTENSION OF TIME REGARDING RESPONSE TO REFEREE REGARDING INTERIM ORDER

Peter Zunker stated that Section 50 of the Building Units and Group Titles Act (*BUGTA*) does not permit the Community Body Corporate (*CBC*) to appoint a Body Corporate Manager to the Subsidiary Bodies Corporate.

The Chairman responded that the Community Body Corporate had engaged Body Corporate Services to provide certain administration support services on its behalf. The contracts have been executed, have not at this point been set aside, and therefore potentially, any Subsidiary BUP that appoints another contractor independently, may have to pay both contracts.

Body Corporate Services noted the applicants are members of the Community Body Corporate and invited Committee members to declare any conflict of interest (although not restricted by the Mixed Use Development (*MUD*) Act. All members declined and advised they will exercise their respective votes.

Tony Rich queried if any BUP had not given consent to Body Corporate Services operating bank accounts. David Gordon, for Body Corporate Services (*BCS*), advised the willingness of Body Corporate Services to consent to a variation to the engagement to provide for direct instructions from the Chairman or the nominee appointed, to provide for specific instructions from BUPs as authorised by the Chairman of the CBC.

4a MOTION: - A suitable clause be inserted in the BCS administration agreement authorising BCS to take instructions from a nominee of a subsidiary BUP in the scheme on matters pertaining to that BUP only. Where there is a dispute as to the direction, the decision of the nominee of the CPCBC will override the direction of the BUP's nominee. CPCBC Chairman to propose a suitable motion to the next Extraordinary General Meeting.

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

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

4b MOTION: - In light of the motion passed, if Notre Dame, Oxford and Cambridge, do not notify the Commissioner within 24 hours that they do not withdraw the application, then the Community Body Corporate request the extension and appoint Gadens to act for the Community Body Corporate.

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

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

5 REQUESTS FOR RESPONSE FROM THE COMMISSIONER'S OFFICE

MOTION: - That the Cathedral Place CBC respond to all future requests for information and responses from the Commissioner's Office and that Gadens Lawyers be engaged where necessary to assist the Committee as directed by the Chairman.

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

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

6 AUTHORITY TO ENGAGE GADENS RE DEFENCE OF DELEGATIONS TO BUPs

MOTION: - That the Cathedral Place "CBC" engage Gadens Lawyers, if necessary, to assist the Cathedral Place CBC to act in defence of the delegations it holds for administration and management of BUPs affairs.

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

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

7 NOTICE OF INTENTION TO JOIN CATHEDRAL PLACE "CBC" IN AN ACTION TO RECOVER RECENT SPRINKLER REPAIRS

7a MOTION: - That the Cathedral Place CBC consider a defence once a claim has been lodged by Star Building Management Services.

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

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

7b MOTION: - That no member of the Committee is authorised or allowed to discuss this issue with Star Building Management Services other than to advise there has been no resolution as to payment.

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

Voting: Yes: - 4 No: - 2 Abstain: - 0

8 REPORT ON STATUS OF AUDITOR'S REVIEW OF LEVY BUDGETS

Chairman advised that Carhills are still working on this item. The meeting noted that the review was to be completed two weeks from 14th May and that the delay is unacceptable.

9 REVIEW OF PROGRESS IN RESOLVING ISSUES PREVENTING BUPs FROM PAYING THEIR SUSPENSE ACCOUNT OBLIGATIONS

Peter Zunker advised that Notre Dame has obtained verbal advice that Notre Dame only should only have to pay for things done for the BUP and must be invoiced for this work before it can be paid.

11 WATER PURCHASE

John Gilliland advised content of request from Star for purchase of more water at a cost of \$220.00/10,000 litres. Duhig representative advised the meeting that Duhig resolved to purchase water subject to other BUPs doing the same. Randall Edwards, nominee of Duhig BUP, recommends each BUP buy one tank per month to make more water available following the advice in the report by Warren Fisher, that the BUPs pay for their own water consumption.

Various opinions were presented by the members.

Todd Raumer advised he will have a report available for Committee next week (approximately).

11a MOTION: - That a vegetation management plan prepared by a qualified contractor be supplied to Committee with quotations to be obtained from Rob Davies (Todd to arrange and Todd to be point of contact) with John Gilliland to obtain a second quotation.

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

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

11b MOTION: - That a maximum 2 x 10,000 litres at \$220.00 per 10,000 per week be authorised until consideration of the reports.

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

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

12 DUHIG GYM

Duhig's nominee advised that the Duhig Committee had decided to restrict the hours of operation of the Gym unless soundproofing of the room was installed. Duhig believed that the costs associated with this should be shared amongst all the BUPs. Duhig was not keen to restrict the hours of usage but had little choice as a complaint had been received from a resident regarding the negative impact on their quiet enjoyment.

The meeting requested that Star locate the rowing machine which is the community property and its state of operation identified.

Body Corporate Services advised generally regarding agreements that may be entered into to share the expense burden with the community.

13 DRAINS 'R' US

Drains "R" Us have informed Nicholsons Solicitors (acting for the Community Body Corporate) they are not repaying the purchase of the copper pipe.

13a MOTION: - That the Committee instruct Nicholsons Solicitors to issue a summons demand and proceed to judgement.

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

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

GENERAL BUSINESS

1 TENDERS AND CARTAKING PROCESS

Peter Zunker wished to go through the contract and queried who is instructing Gadens. The Secretary informed that no amendments have been made to the distributed contracts. Peter Zunker expressed his view the copy as presented was not the contract that was sent with the tender invitation. The Secretary refers to the minutes of the Committee dated 20 September 2007.

Caretaking Variations for Inclusion

1.1 Caretakers Management Rights – reference to Letting Agreement

1.6 Compulsory transfer of Management Rights

1.1 Committee – wants change to include BUP that Committee means Residential BUPs.

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

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

10.1 That the residential Committee members shall appoint a member of the Committee to give instructions.

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

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

12 Pool and Spa be inserted

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

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

16 Refer to Gadens whether this clause is necessary, and if not from the legal advice, delete.

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

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

Sched 1 No 4 CPI only clause.

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

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

Sched 2 – there is no one point f. (intentionally deleted).

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

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

Sched 2 1bb Basement and Visitors Car Park – to be defined 'tradesman's car park'.

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

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

Specific Duties 2b Basement and Visitors Car Park – to be defined 'tradesman's car park'.

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

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

Specific Duties 2a Office must be continuously manned from 9.00am – 5.00pm Monday – Friday and 9.00am – 1.00pm Saturday.

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

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

Chair be authorised to include 3 monthly review and 14 days to rectify.

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

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

Gardens Page 20. Body Corporate to pay for the cost of replacement plants subject to written Committee approval for the expenditure having first been obtained.

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

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

Schedule 3

a. 7.7 & 7.8 Delete 'see report'

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

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

b. 11.1 & 11.2 Delete the hours.

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

Voting: Yes: - 2 No: - 4 Abstain: - 0

Performance Bond - \$100K – included in the contract.

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

Voting: Yes: - 4 No: - 2 Abstain: - 0

2 EXTRAORDINARY GENERAL MEETING – ENGAGEMENT CARETAKING CONTRACTOR

2a MOTION: - That the Secretary be authorised to convene an Extraordinary General Meeting at 5:00pm at the Meeting Room Cathedral Place, 41 Gotha Street, Fortitude Valley on 8 October 2009 subject to contract documents being provided to Body Corporate Services for inclusion in the notice and agenda of meeting.

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

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

2b MOTION: - that in the event that the timeframe cannot be met, then the meeting can be called for the same time and venue on the 12 October 2009.

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

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

Peter Zunker departed the meeting at 8:57pm passing his proxy to Crestina Ceraolo.

2c MOTION: - That the Committee recommend to the General Meeting that the Rider Levett Bucknall recommendation be accepted, and in accordance with that recommendation, that Star be the Committee's recommended preferred contractor.

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

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

2d MOTION: - That the respective nominees seek recommendation from their Body Corporate Committee as to which contractor to select and that the respective nominees vote in accordance with the recommendation.

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

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

CLOSURE

There being no further business the Chairman declared the meeting closed at 9:26pm.

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