

**MINUTES OF THE COMMITTEE MEETING OF THE BODY CORPORATE FOR "CATHEDRAL PLACE
CBC" MIXED COMMUNITY PLAN 106902 HELD ON MONDAY 1 FEBRUARY 2010 AT 5:00 PM
AT MEETING ROOM, CATHEDRAL PLACE, 41 GOTHA STREET, FORTITUDE VALLEY**

PRESENT IN PERSON

Randall Edwards (Chairperson/Treasurer), John Gilliland (Secretary), Peter Zunker, Krestina Ceraolo, Tony Rich, Michael Pointing (Ordinary Committee Members).

APOLOGIES

Nil

IN ATTENDANCE

David Gordon representing Body Corporate Services Pty Ltd.

Catherine Harvey & Larry Cowling representing Star Building Management.

Greg Pzewloski A114 Observer (departed 6.07 pm)

Gill Bick G/H 15 Observer

Barrie Clements E68 Observer(departed 6.07 pm)

CHAIRPERSON OF MEETING

Mr Randall Edwards chaired the meeting.

QUORUM

The chairperson declared that a quorum was represented and the meeting was declared open at 5:33 pm

VARIATION TO AGENDA

Building Management Report was presented.

Catherine Harvey presented the building management report and then departed the meeting.

7 STAR BMS BUILDING REPORT (PLUS UPDATE ON EMERGENCY LIGHTING FUND)

(dealt with as first item of business)

Reporting to CBC & subsidiary BUPs

Catherine Harvey presented an information pack to the meeting – to body corporate manager for CBC and all BUP nominees.

CP CBC to receive lists of all security incidents, BUPs will only need to deal with their own incidents.

MOTION: That the Caretaker report to the CBC (via the BCM) and BUP's monthly with respect to general incidents but at any time for serious incidents (threat of injury, serious damage to property, health and safety, or habitual repeat offenders or police called).

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Caretaker

Emergency Lights and Mulching

Star BMS submitted quotations to all present for consideration by respective parties. The John Coates quote has just been received (Star BMS stated was more expensive). Larry Cowling departed the meeting to retrieve these quotes and presented same to the meeting.

It was requested that Star BMS get a guarantee in writing for these works.

Action: Caretaker

No smoking and other rules

MOTION: That smoking be prohibited on all community property of the CP CBC, including walkways, and that signage be erected by Star BMS indicating that smoking is prohibited within the complex except within individual units. This signage be erected at each entrance as well as within the pool area.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Caretaker

MOTION: That the CP CBC request all subsidiary BUP's to pass a complimentary motion relating to their common property.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Body Corporate Manager to write to BUPs.

MOTION: That the drinking or eating of any food while a person is in the pool or spa be prohibited and that appropriate signage be erected by Star BMS indicating such.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Caretaker

MOTION: That Star be asked to review the house rules AND to bring back to the CP CBC specific recommendations of RULES AND SIGNAGE to be approved by the CP CBC.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Caretaker

MOTION: Star BMS to make recommendation to CBC regarding house rules, gatherings and appropriate signage for same.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Caretaker

MOTION: Star to make recommendation to CP CBC regarding move in move out procedure.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Caretaker

MOTION: That Body Corporate Services advise BUP's re section 53 tenant details and request info and supply same to Star.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Body Corporate Manager to write to BUPs.

Discussion Items

Playing of ball games also needs to be considered and any possible restrictions.

Star BMS advised every Public Holiday will have extra security.

Car Park areas – 45 people have rectified following letters being sent by Star BMS. These are colour coded in the report to identify who is outstanding. Star BMS recommends the BUPs and CBC consider the standardisation of the rules.

Invoices – spreadsheet for BUP's goes to delegate of the BUP. BCS recommended that all go to BCS who will then distribute. This enables BCS to deal with contact from contractors.

Catherine and Larry departed the meeting at 6.07 pm

1 PROXIES

Nil

2 CONFIRMATION OF MINUTES

Committee meeting 17/09/09:

MOTION: That item 5 of 17/9/09 the last line be deleted.

RESOLVED by Committee Ordinary Resolution that the motion be **LOST**.

Vote: Yes 2 No 3 Abstain 1

Action: NIL

MOTION: That motion 6C be amended to read 'the Secretary be the person to receive and distribute correspondence received and that the Todd Raumer query regarding distribution of the letter be amended to read "queried why this correspondence was not addressed two weeks earlier"'.
The above motion was not considered.

The above motion was not considered.

The committee members present therefore noted that BCS will include the minutes (of any meeting) as drafted (subject to any agreed amendments) and will be made available for searches as "unconfirmed" minutes.

Committee meeting 30/11/09:

MOTION: That the minutes of the committee meeting of 30 November 2009 be accepted.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Body Corporate Manager to resend drafts of 1 Oct and 2nd November minutes.

Committee meeting 17/12/09

MOTION: That item 17 Action 'secretary' be deleted.

RESOLVED by Committee Ordinary Resolution that the motion be **LOST**.

Vote: Yes 2 No 4 Abstain 0

MOTION: That the minutes of the committee meeting of 17 December 2009 be confirmed.

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

Vote: Yes 4 No 2 Abstain 0

3 RESPONSE TO LITIGATION RE IRRIGATION REPAIRS AND ADVICE FROM GADENS

BCM advises that a Comprehensive Resolution in General Meeting will be necessary for acceptance of settlement and payment.

MOTION: That the following recommendation from Amy Griffin of Gadens:

"We recommend that the Body Corporate consider[ing] negotiation a commercial resolution to the litigation. The Body Corporate may wish to consider making a settlement offer of \$10,000.00 on the basis that the Manager make payment of the Body Corporate's legal costs to date of \$1,800.00 plus GST. Any offer would be made on a without prejudice basis and without waiver of your rights to defend the proceeding, should the offer be declined."

and that the Chairperson and Secretary be authorised to negotiate a settlement either with Symland Pty Ltd or Minneil Pty Ltd and Symland Pty Ltd together. (motion based on email sent 14/01/2010 from Gadens Lawyers to the committee) (Chairperson and Peter Zunker (not Sec))

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain

Action: Chairman & P Zunker

4 REQUISITION FOR AN EGM FROM P ZUNKER AND T RAUMER

MOTION: That the requisition for an Extra-ordinary General Meeting as requisitioned by Peter Zunker & Todd Raumer has been satisfied by the opening of the meeting on the 16th January 2010.

RESOLVED by Committee Ordinary Resolution that the motion be **LOST**.

Vote: Yes 2 No 4 Abstain

Action: NIL

5 RESPONSE TO ADVICE RE RILEY SHELLEY CONTRACT

Extract from Nicholsons advice:

20. Therefore, we recommend that the body corporate does not pay any monies to the liquidators as there may not be any liability, alternatively there may not be a liability to the extent claimed. Instead we recommend that the body corporate instructs us to write to the liquidators disputing that any monies are owed for the following reasons:

- (a) clause 9.5 of the Agreement relieves the body corporate of any obligation to make payment under clause 10;
- (b) in the event that interpretation of the Agreement is not correct, then:
 - i. ~~the body corporate has suffered loss and damage which it offsets against any amount owed (provided this is factually correct and we will require specific instructions in respect of that);~~

- ii. the provisions of clause 10 are not sufficiently certain to enable the payment on early termination to be calculated;
- iii. not all of the works were performed that year (again we will need your specific instructions about that).

MOTION: That the Body Corporate Manager instruct Nicholson's to relay to the liquidators the acceptance of the recommendations of Part 20 with the exception of (b)(i)

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Body Corporate Manager to write to Nicholson's.

MOTION: That the invoices from Nicholson's and appointment to act on behalf of the CP CBC for the Riley Shelley matter be submitted to the next general meeting.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Body Corporate Manager to write to Nicholson's.

MOTION: That Star BMS produce a draft specification for works for building wash down, and obtain quotations from 3 contractors.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 0 Abstain 0

Action: Caretaker

6 PAYMENTS TO SUSPENSE ACCOUNT FROM BUP'S

MOTION: That the body corporate manager write to Gadens to instruct to proceed in line with resolution from General meeting held on 8/1/10.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 6 No 6 Abstain 0

Action: BCM to write to Gadens

MOTION: That the CP CBC request a copy of any advice provided by Deacons to Notre Dame and /or Oxford & Cambridge arising from the meeting held on the 9th of December 2009 at the office of Deacons and at which representatives from both Notre Dame, Oxford & Cambridge and CP CBC were present to discuss the legal issues relating to the Management Agreement.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED**.

Vote: Yes 4 No 2 Abstain 0

Action: BCM to write to Gadens

8 MATTERS FROM NOTRE DAME COMMITTEE MEETING:

- a. Signage banning alcohol consumption in pool area
- b. Reduced gym operating times

The above items were discussed by the committee.

9 MATTERS FROM OXFORD & CAMBRIDGE:

- a. Gardens – Water management and weeding
- b. Security - Trespassers
- c. Outstanding maintenance to B/C roof
- d. Cleaning

The above items were discussed by the committee.

10. MATTERS FROM KENSINGTON & SANDRINGHAM COMMITTEE MEETING:

- a. Request to Star for Move in Move out policy
- b. Request to Star for maintenance procedure in regards to internal walls

The above items were discussed by the committee.

MOTION: That Star BMS be requested to develop a draft "Move in/ Move out" policy for all residents and that this draft be presented to the committee for approval and authorisation for Star BMS to implement the policy.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED.**

Vote: Yes 6 No 0 Abstain 0

ACTION: Caretaker

ADDITIONAL ITEMS NOT ON AGENDA

11. STATUS OF LEVY AUDIT (P ZUNKER)

REFER:

MOTION 7/12/09: That the full emails referred to in the advice from Carthills dated 22/4/09 as extracts be provided for the public record and lot holders to have access to. The Body Corporate Manager be instructed to write to Carthills to get these emails.

ACTION: Body Corporate Manager to request from Carthills

12. PROGRESS OF RECOVERY OF OUTSTANDING AMOUNTS FROM BUP'S

Refer to Item 6.

13. EMERGENCY LIGHTING

MOTION: To recommend the quotation from Let There Be Light be accepted and that a motion for the expenditure be raised to the EGM to be held 25/02/10.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED.**

Vote: Yes 4 No 0 Abstain 0

ACTION: Body Corporate Manager

14 CALLING OF EGM

MOTION: That an Extraordinary General Meeting be held on 25th February 2010 at 6 pm in the meeting room, Cathedral Place, 41 Gotha St Fortitude Valley.

RESOLVED by Committee Ordinary Resolution that the motion be **CARRIED.**

Vote: Yes 6 No 0 Abstain 0

ACTION: Body Corporate Manager

CLOSURE

The Chairperson closed the meeting at 8:30 pm.

NEXT COMMITTEE MEETING

To be advised.

CONFIRMED AS A TRUE AND ACCURATE RECORD

Chairperson: _____ **Date:** _____

Secretary **John Gilliland**

Address **c/- David Gordon**
Body Corporate Services Pty Limited
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