



EXECUTIVE COMMITTEE MINUTES.
1830 Wednesday August 17, 2016. Altair EC Meeting Room.

Attendance: Ralf Harding (Secretary and acting Chair), Michael Cluff, Mandy Heimann, Luisa Liotta, David Mackinnon, Eric Moses, Kevin Wellington. Mario Caruana (Building Manager).

Guests:

Apologies: Deb Moore (proxy to Ralf), Chris Gardener (proxy to Ralf).

Minutes of Last Meeting: Accepted.

Matters Arising: See following

Correspondence:

E-mail chain between an owner, Cara Weinstock, and the Building Manager (and indirectly the Secretary) relating to a car space. See Car Space Access following.

Finance Report:

The July Financial Summary shows overspend of \$10k against plan which represents about 1% over budget YTD.

A copy of the Financial Summary is available to any Owner on request from the Building Manager.

Building Manager's Report: Attached

CoSC Energy Audit: Application for a grant being made to CoSC.

Pool Maintenance: Broken pool slats to be replaced under warranty (for parts) by the end of August.

Garbage Compactors: To be repaired in the next maintenance cycle - probably in September.

Boilers: Our spa and pool hot water boilers are showing signs of 'old age'. We propose allocating \$30k in the 2017 Capital Works budget to cover replacement.

Foyer Ceiling: A dent has appeared in the main foyer ceiling. It is not apparent how this has occurred but we are proceeding with repairs. Cost approx. \$300.

Resident Noise: An owner, Cameron Grier, recently had (another) party with very significant noise levels – possibly from a live band. We have had complaints from within Altair and from neighbouring buildings. Notwithstanding that the party was principally in daylight hours (ending at approx. 8.30pm) the noise strongly interfered with residents and neighbours right to the quiet enjoyment of their lots. We have consulted with Strata Choice who sent a letter to the owner on 10 August 2016

noting the disturbance. In order to ensure continued adherence to the Bylaws and to the terms of the Mediation agreement of October 2014, Strata Choice advises that the EC resolve that any further incidence be dealt with by a formal Notice to Comply pursuant to s45 of the Act (or its successor) as there is now sufficient evidence to satisfy such an action. The EC RESOLVED to do this.

Concierge Facilities: We are investigating the logistics and cost of fitting running water and a sink in the room behind the concierge desk. Site access and connection to existing plumbing are proving challenging.

Fire Safety: The building has had the annual fire safety alarm audit. See 'Capital Works – Fire Safety Solenoids' following.

Roller Doors: The software that allows activation of the entry and exit roller doors failed. The doors had to be left open for several days as no solution was readily available and it was deemed impractical to have the concierges manually open and close the doors every time access or egress was required 24/7. We have worked with our technology consultants to remedy the fault. Cost approx. \$1500.

Security Access Audit: It was noted that the security audit has been extended from a cut off deadline of Monday morning to 8am Thursday morning - for the fobs, swipes etc. that have not been re-registered to be cut off - to give all parties a full week to respond. Any owner who has not re-registered their swipes/fobs can do so at the front desk between 7am and 3pm Monday to Friday. Any tenant who has been 'cut-off' by failing to re-register will be required to provide evidence of tenancy such as a copy of their lease or written confirmation from the owner that they are current tenants before they are re-registered. Owners are reminded that they have an obligation pursuant to s119 of the Strata Schemes Management Act (1996) to advise Altair when existing tenants leave or new tenants take residency and the length of the tenancy.

Short term Tenancies: **All owners and residents are reminded that Altair does not allow tenancies of less than 3 months. Altair does not allow operations such as Air BnB, STAYZ** etc. We constantly monitor such activities and associated websites. We will and have taken action regarding lots which we reasonably believe are operating such short term stays.

Updates

Air Conditioning/Legal

- a) Legal Sub-Committee.
The EC had previously authorised Deb Moore and Ralf Harding to deal with this matter and to negotiate and agree actions on behalf of the EC. This process became more prolonged than anticipated and Deb Moore has travelled overseas.

Accordingly the EC has created a Legal Sub-Committee of Kevin Wellington, Eric Moses and Ralf Harding and authorised them to take over decision-making in this matter.

The EC RESOLVED to ratify the decision to appoint a Legal Sub-Committee and specifically to ratify the motion previously agreed by the EC via e-mail –

The EC RESOLVES that in the absence of the Chair, Deb Moore, a sub-committee of Ralf Harding, Kevin Wellington and Eric Moses - or at least agreement by any two of those parties - is authorised to act on behalf of the EC and made any decisions necessary to resolve the issues surrounding the air conditioning legal and costs matters with the owner(s) of 1402 whether they be negotiating, agreeing and executing a settlement or deciding to proceed to the Supreme Court.

b) Settlement

The Legal Sub-Committee has met to consider advice from our lawyers regarding some developments regarding this issue. Consistent with our lawyer's advice the Legal Sub-Committee agreed to some modifications to our response to the settlement offer.

Subsequent to this a further modified settlement offer has been received from the defendant. After consultation between the members of the Legal Sub-Committee and on the advice of our lawyers we have accepted this offer and instructed our lawyers to proceed with a Deed of Settlement and Release – a copy of which has been sent to the members of the EC. This agreement is subject in part to a confidentiality clause but

- 1) The air conditioning units have been removed.
- 2) The damage to common property has been repaired.
- 3) The defendant has committed to a legally enforceable agreement not to re-install any A/C or associated equipment without the express approval of the Owners.
- 4) The defendant has agreed to pay Altair's Supreme Court costs on an indemnity basis and the costs associated with the Deed of Settlement.
- 5) The defendant has agreed to give an undertaking to the Court not to sell, transfer, dispose or further encumber the property until the OC's costs have been paid, or an amount sufficient to cover the OC's costs have been paid into Court

It remains to be resolved as to whether a fixed sum will be agreed as to costs or whether costs will have to be 'taxed' – independently assessed.

On the advice of our lawyers the EC passed the following motions.

MOTION 1: *THAT the Executive Committee of the Owners Strata Plan No 64622 (Owners Corporation) RESOLVE to settle the Supreme Court of NSW proceedings The Owners Strata Plan No 64622 v Vicki Joanne Goodwin with Court reference number 2015/128457 on the terms contained in the **attached** Deed of Settlement & Release.*

DEED OF SETTLEMENT & RELEASE

MOTION 2: *The Executive Committee **RESOLVE** to authorise Jim McDonald, Strata Manager to execute the Deed of Settlement & Release on behalf of the owners corporation and to affix the seal of the owners corporation to the Deed of Settlement & Release.*

AUTHORITY TO EXECUTE

c) NCAT costs

These relate to an earlier hearing at NCAT which found for Altair and costs have been ordered in Altair's favour. It remains to be resolved whether these will be agreed as a fixed amount or 'taxed'.

Window Restraints

At the July meeting the EC reviewed an option - which we were not entirely happy with - for fitting child restraints to some (200+) windows in Altair, as required by March 2018 under a new NSW law. The EC reviewed and agreed a second option which will now be taken to CoSC for approval to install. Final agreement to proceed will be made by the Owners probably at the 2017 AGM as part of the 2017 Capital Works program.

Strata Law/Regulation

The NSW government has just published the final regulations pertaining to changes in strata law. Strata Choice will brief the EC on any issues of significance to Altair. The new laws will likely take effect in November.

Retail Lot

We have reminded the owner of the Retail Lot that the agreement to allow air conditioning in the Retail Lots expires in January 2017. They have advised that they continue to investigate options but have nothing further to discuss at this time.

Insurance

Following investigations into a potential new entrant into the strata insurance market we have received advice from that insurance company that Altair is 'too big' for them to offer coverage. This means that only two insurance companies, CHU and Chubb, effectively operate in the large residential strata plan space.

2016 Capital Works

a) Foyer Floors.

EC reviewed two options for polishing the foyer floors – essentially either a 'heavy' polish and reseal (\$35k) or a 'light' polish (8k). It was agreed that the cost of the 'heavy' polish was not justified and that the 'light polish would achieve little noticeable effect. It was agreed not to proceed with any polishing at this stage. FM to keep a watching brief on the state of the floor.

b) Fire Safety Solenoids

We have budgeted \$22k for solenoid replacement in 2016. We are awaiting a further report on the existing solenoids by Eagle Fire Safety as part of the annual fire safety audit. Francis Management is reviewing options for replacement. We will probably have the relevant information to make a decision re replacement at the September EC meeting.

c) Intercoms

We have budgeted - and had quoted - \$50k to replace the existing intercoms with video intercoms in the last quarter. Francis Management is reviewing a further option. We will probably need to make a decision at the September meeting to achieve installation by year-end.

Car Space Access

An owner has sold their apartment which has two car spaces; one on the main lot title and one on an independent title. The owner has sold the lot with the incumbent car space but retained ownership of the separate title car space which is a tandem space. The owner is requesting two access swipes. We have received a letter from the owner's lawyer requiring that we provide access to the car space. There are arguably security issues in allowing a non-resident access – especially a non-resident car space leasee i.e. not the car space owner. We have consulted our Strata Manager and await advice on this issue.

Meeting concluded at 1915.

Next EC Meeting Wednesday September 21, 2016.