



EXECUTIVE COMMITTEE MINUTES
Wednesday 16 July 2014, Altair EC Meeting Room. 1900

Attendance: Ralf Harding (Chair), Michael Meredith (Secretary), Paddy Conroy, David Mackinnon, Deb Moore.
Doug Mallam (Building Manager), David Stanger (Francis Management).

Guests: None

Apologies: Luisa Liotta (proxy to Michael), Troy Scott (proxy to Michael), Chris Gardener (proxy to Michael), Anna Shepherd (proxy to Michael).
Our Building Manager, Doug Mallam, has resigned effective July 25. The EC passed a vote of thanks acknowledging Doug's strong contribution. A new Building Manager, Geoff Shaw, has been appointed and he will start on Monday July 21 and so have a week long hand-over from Doug.

Minutes of Last Meeting. Accepted.

Matters Arising. None

Correspondence:

- Awning:
- E-mail from the Building Manager to the owners of the unauthorized awning (Pront and Sten) offering to remove and store the awning until such time as the issue is resolved. This would remove the exposure of Altair to the potentially huge liability of damages in the event of an insurable incident.
 - Letter received from the owner of the awning's lawyers advising that the awning is insured by Pront and Sten; that Grace Lawyers (Altair's specialist strata lawyers) have a conflict of interest and that if the EC does not take the necessary steps for the passing of the by-law they (Pront and Sten) will take the matter to the NSW Civil and Administrative Tribunal (NCAT).

It was noted that

- a) Ronald Pront has verbally advised the Building Manager, the EC Secretary and our lawyer that the awning will not be de-installed or allowed to be de-installed.
- b) Ronald Pront had assured David Stanger of Francis Management at a meeting on Tuesday June 10 that he would furnish a letter from his insurance company confirming that the unauthorised awning attached to common property was insured. No such letter has been received.
- c) Whether Pront and Sten's awning is actually insured is an issue that Altair cannot independently ascertain and is somewhat irrelevant as Altair is definitely not insured for the awning because, in spite of detailed advice from Altair building management to the contrary, Pront and Sten have unilaterally installed an unauthorised awning attached to common property. Altair would have to

- successfully sue Pront and Sten and their insurance company in the event of an insurable incident to access any possible insurance cover.
- d) It is not the EC's role to take any "necessary steps to pass the by-law" as claimed by Pront and Sten. As explained to Ronald Pront in November 2013 when he originally enquired about the protocols required for installing an awning the responsibility for obtaining and funding an appropriate by-law is entirely his. It is his responsibility to propose the by-law at a General Meeting where it can only be adopted by majority vote of the Owners.
 - e) The letter from the lawyers of Pront and Sten has been discussed with Grace Lawyers who advise that no response is warranted at this time.

Internet

- Letter from PIPE Networks advising that they were sending contractors to install equipment in Altair on Friday July 4 under the 1997 Telecommunications Act. Our lawyers have replied advising that the issue will be discussed by the EC at this meeting and accordingly access is not appropriate. (PIPE visited Friday July 4 but went away after being served a copy of our lawyer's letter by hand). PIPE has responded requesting the opportunity to address the EC. Our lawyers have in turn advised PIPE that their request will be put to the meeting. See 'Telecommunications/Internet' under 'Updates' following.

Concierges

- Chair advised that he had two informal notes from owners complimenting Daniel and Vivienne on their good work.

Storage unit

- E-mail from Kathryn Thiel-Sirett registering her objection to the 'mini' storage unit on trial display in the car park. See 'Storage Cabinet' under 'Updates' following.

Altair logo

- Email from the Secretary to an owner requiring that they desist from using the ALTAIR logo on their personal letterhead. The ALTAIR logo is a registered trademark of the Altair Owners Corporation.

Finance Report

StrataChoice and Francis Management advise that there remain some unexpected costs in the Sinking Fund as detailed in last month's minutes but these are currently off-set by some 'underspends' in the Admin fund. The net position is that we are 'on-budget' overall year-to-date. A watching brief will be kept on this issue until we are more confident of our year-end position. A copy of the Finance Summary is available to any owner on application to the Building Manager.

Building Manager's Report: Attached

Updates

Awning

Application for a range of Orders to remove the unauthorized awning is being made by our lawyers with NCAT.

We are in receipt of costs orders from Grace Lawyers regarding this issue. The EC passed the following motion:

THAT The Owners - Strata Plan No 64622 **RESOLVE** to appoint Grace Lawyers Pty Ltd, to make an application to the Office of Fair Trading for mediation of the dispute with the Owner of Lot 11 and then, if necessary, to make an application for an order of an adjudicator pursuant to the provisions of the *Strata Schemes Management Act, 1996* to require the Owner of Lot 11 to remove the awning installed without the consent of the Owners Corporation, and to pay all of their reasonable cost in acting for The Owners - Strata Plan No 64622 in relation thereto pursuant to Grace Lawyers Pty Limited's costs disclosure and agreement dated 11 July 2014.

Storage Cabinet

A 'mini' storage cabinet has been installed in a car space to allow inspection *in situ*. It was agreed that the units would add to general clutter in the car park.

RESOLVED not to allow usage of the mini storage unit in the car park but agreed that they would be allowed as storage on balconies but that they cannot be visible from the directly adjacent street level.

Defamation Action

Our insurance company's lawyers have lodged an application to have the Amended Statement of Claim by Wayne summarily dismissed. A hearing will be held on August 29.

NCAT/Air Conditioning

Following a decision by NCAT (posted on the Noticeboard since receipt on July 4) Grace Lawyers are drafting a letter which can be used by the Building Manager to request police attendance and assistance in entering the lot, removing the air-conditioning units and repairing common property. All costs associated with this, combined with the legal costs to date, will be assessed and a court order sought to recover these costs from the lot owner. The EC **RESOLVED** to instruct Grace Lawyers to vigorously pursue payment of all costs to the full extent available by law.

Exterior Maintenance System

The DA has been approved and Building Certificates Australia appointed to provide a construction certificate. FM is attempting to finalise an installation time with the contractor convenient to the penthouse owners.

Painting the Façade

FM has commenced a competitive quoting process which will be presented at a subsequent meeting (hopefully August) with a view to completing repairs and painting of the podium 'grey bits' in 2015 and the tower 'white bits' in 2016. FM is investigating options to repaint/repair/replace the blue metal grilles.

Telecommunications/Internet

Over the past 6/9 months we have been under some pressure from second tier telecommunications companies (Telcos) who wish to install broadband internet services in Altair.

On the strong advice of both our Building and Strata Managers we have resisted these approaches - x 3.

The issue is that the Telcos have some disputable rights under the 1997 Telecommunications Act to access buildings for the purpose of installing telecommunications equipment. The Telcos appear to be racing to affect a land grab to establish themselves as broadband suppliers ahead of the NBN roll-out using the existing powers under the 1997 legislation.

In theory any and all Telcos might install equipment in our building, and **in theory** they should operate as a wholesaler providing services to any and all other retailers of internet services.

In practice once one Telco has 'captured' Altair it makes little commercial sense for another Telco to enter the building. In practice: any and all other Telco providers should be able to use the wholesale service but anecdotal reports suggest that the installed Telco then 'floods the pipe' (copper wiring) with their service making competitive access difficult, if not wholly impractical.

It is possible that if we are forced to allow access to one of these Telcos then when the NBN arrives in KX Rd they will by-pass Altair on the grounds that we already have a service albeit perhaps a second rate one.

StrataChoice advise that they have at least 6 buildings currently 'under attack'. FM reports a similar situation.

We have consulted with Grace Lawyers again (we sought their advice when this issue arose last year) and a lawyer's letter has been sent to an operator following an aggressive approach to access Altair on Friday 4 July.

The operator has requested the opportunity to address the EC.
The EC agreed to refer this issue to the Owners at our next General Meeting.
It was agreed to accept a tabled broadband protocol as a guideline for any future decisions and that we should continue to be guided by our lawyers.

Kings Cross Rd Development

Owners will have received notification from CoSC regarding potential changes to KX Rd. Please note that

- a) These are restricted to the western end of KX RD and there are no changes contemplated east of the Elan.
- b) Penny's Lane will NOT be closed to traffic. The extended and raised footpath will cross Penny's Lane and act as a 'speed bump' but allow vehicular access to KX Rd.

These changes are being contemplated at the request of the Elan who has a problem with speeding traffic coming from William St and interfering with cars exiting Elan onto KX Rd.

It was agreed that we had no objection to the proposed changes but would request that CoSC install a 'drop-off' zone like the one proposed for Elan outside Altair, restore the garden bed on the KX Rd and Ward Avenue south-west corner and the installation of a pedestrian crossing across KX Rd near the Ward Ave corner.

By-Law Review

Under Altair By-laws 2.6 and 2.7 the Owners Corporation and the all lot owners "must comply with the By-laws". This EC has expended considerable time, energy and funds to defending and upholding our by-laws - as evidenced by our vigorous actions to protect Owner interests in the face of actions by some residents to unilaterally ignore our by-laws viz;

- a) Unauthorised air con installation.
- b) Unauthorised awning installation.
- c) Barking Dog.

The EC agreed that:

- i) There is no point in having by-laws if they are not upheld
- ii) the EC is determined to **uphold Altair by-laws** and that
- iii) by-laws will accordingly be **enforced**
- iv) noting that by-laws must be enforceable in a **practical manner**.

It is anticipated that there will be amendments to the NSW Strata Title Act possibly effective 1 July 2015 and our goal is to have a 'clean sheet' before that time. In this light it was agreed that all EC members would personally review existing by-laws (on our website) with the goal of reviewing at the September EC meeting any by-laws that may be absent, redundant or simply unenforceable. All owners are invited to submit any thoughts on this issue to the Secretary by Sept 1. The objective is to present a 'clean' set of by-laws to the Owners for ratification at the 2015 AGM.

Meeting finished at 1940.

Next EC Meeting Wednesday August 20.

Ralf Harding presented his apologies for this meeting.