



EXECUTIVE COMMITTEE MEETING
Wednesday 21 May 2014, Altair EC Meeting Room. 19h00

Attendance: Ralf Harding (Chair), Michael Meredith (Secretary), Chris Gardener, Luisa Liotta, David MacKinnon, Deb Moore, Troy Scott, Anna Shepherd.
Doug Mallam (Building Manager)

Guests:

Apologies: Paddy Conroy (proxy to Michael)

Minutes of Last Meeting: The minutes of the last meeting were accepted.

Matters Arising

Agenda: StrataChoice advise that they have a standard advice panel which they use with other building's agendas and which they recommend that we place as a 'footer' on all agenda notices to the Owners; viz –

PLEASE NOTE: *Owners who are not members of the Executive Committee may attend any meeting of the Executive Committee, but they are not entitled to address the meeting unless invited by the Chair and if necessary authorised by resolution of the Committee.*

EC RESOLVED to include footer in future agendas.

Correspondence:

a) Letters (x 2) from the owners of apartment 408 (R Pront and M Sten) regarding the unauthorized awning:

1) Claiming that the awning is a safety measure to prevent the impact of debris, water etc. resulting from the EC's failure prevent such incidents and

2) Advising that they have home and contents insurance, including public liability insurance of \$20 million, in the event that the awning may cause damage or harm and advising that they would remove the awning if they leave Altair. – See Awning under 'Updates'.

b) The Chair has written to PIPE Networks, who are attempting to exert their rights under the Telecommunications Act to compulsorily install equipment in Altair, setting out our conditions for such an installation. To date we have had no response. This is the third network to attempt this. See minutes of EC meeting 20 November 2013 for more information.

c) A 'petition' from 2 sets of residents supporting a tenant regarding the situation with her barking dog and a letter from HappyPaws Fitness noting that the dog is now relaxed as a result of medication provided by them. See Dog under 'Updates'.

Finance Report

We remain broadly on budget. As StrataChoice do not use accrual accounting it is always difficult to be absolutely precise regarding our position at any point in time. A copy of the financial summary is available to any Owner on application to the Building Manager.

Building Manager's Report: Attached

Key Item - Painting Facade

Our painting consultant has produced a report (a copy is available to any owner on application to the Building Manager) and recommended that we:

- a) Address some render issues with some urgency. This principally relates to 'drummy render' on parts of the grey podium surrounds. This is leading to leaking and leaching. FM is obtaining competitive quotes. **NB. FM have been briefed as a general principle to only obtain quotes from contractors or suppliers who they are confident can complete the work to standard so that we can confidently proceed with the lowest quote.**
- b) Plan to paint the podium (grey bits) as soon as practical (in 2015?) after repair of the render.
- c) Plan to paint the tower (white bits) in either 2015 or at least in 2016 noting that some soffits require 'rust' attention. The blue bits were painted as part of the defects work in 2010 and hopefully won't need attention until approx. 2025.

FM is preparing a costing, timing and execution plan which we will need to integrate into our 20-year plan.

Updates

Awning

EC RESOLVED to ratify the previous e-mail decision to seek specialist strata legal advice on this issue.

Grace Lawyers advise that

- a) The installation of the awning by the owners of 408 (R Pront and M Sten) is a clear breach of Altair by-laws.
- b) As the awning is an unauthorized installation and the awning is affixed to Altair common property it is unlikely that the owners of 408's insurance company will accept liability for any damage caused by the awning under either their public liability or home and contents cover.
- c) In the event of the awning blowing off and causing damage Altair is NOT INSURED and any recourse to the insurance held by 408 would require Altair

to successfully sue the owners of 408 for access to their arguably non-compliant insurance cover with all the attendant costs and time delays.

- d) In the event of an insurable incident Altair would almost certainly be first defendant to any action.
- e) The actions of the owners of 408 in installing this unauthorized awning have exposed the Altair Owners Corporation to potentially massive liabilities for which Altair is uninsured as also possibly are the owners of 408.
- f) The Council would also be concerned with an illegal structure which could prompt it to initiate action against the Owners Corporation (as the owner of the land i.e. common property) under section 121B of the Environment Planning and Assessment Act 1979. It could do so by way of an order (for instance, to remove the awning). A breach of any such order could lead to a fine being imposed on the Owners Corporation of up to \$1m. The matter is potentially very serious.
- g) The first appropriate step in addressing this issue is issuing a Notice to Comply to the owners of 408. This step was approved at the April 23 EC meeting and StrataChoice have issued that Notice with no response to date noting that the Notice has only recently been sent.

Dog

Complaints have been received about a barking dog in an apartment. It has been agreed that this breaches our by-laws (see April minutes). The EC has been advised that the owner's agent has served a termination notice on the tenant.

NCAT/Air Conditioning

The lawyer for the owner of 1402 has filed submissions opposing the application to enter the lot to remove the 2 x air con units; and is challenging the authority of NCAT to order such removal and apply fines. Our lawyers are dealing with the matter.

Exterior Maintenance System

Application for a DA has been lodged with CoSC for a planned July/August installation. This has involved consultations with the original Altair architect, Ian Moore, with respect to his moral rights.

Ian Moore, Bruce Pressley (our architect) and FM all recommend that we use stainless steel brackets rather than the proposed galvanized steel to try and avoid rust where the brackets meet the paintwork/plaster with the inevitable water seepage. All rails and brackets will be painted/powder-coated to match the background – white on white and blue on blue. The move to stainless steel will increase the total cost to \$164,679 plus approx. \$3/4k for DA work, say \$168k

versus the \$155k + 10% = \$170,500 agreed by the Owners at the AGM. EC RESOLVED to approve the amended price to include stainless steel.

EC agreed to put a hold on the more discretionary items remaining in the Sinking Fund for 2014 – re-polish foyer floors and up-date intercoms – until the Exterior Maintenance System is in place and we are confident that we are on budget.

Le Concierge

Our contract with Le Concierge rolls over 1 May. The contract has an annual 3% increase. It was noted that service standards are still a work-in-progress and that the Building Manager is conducting individual concierge appraisals to review with Le Concierge management. The EC agreed the contract roll-over and increase.

Retail Lot

The owner of the retail lot has met again with the officers of the EC and proposed a modified plan for the space.

It was agreed that the EC's role was not to approve/condone/promote and/or recommend the scheme but rather to conduct due diligence on behalf of the Owners. In this light we have previously consulted with StrataChoice and Grace Lawyers and compiled and refined a broad Statement of Principles which could be applied to this project.

The EC believes that the proposal has sufficient merit to warrant exposure to the Owners. StrataChoice recommend that this be done through a Special EC Meeting which all Owners are invited to attend. This means that ALL Owners will be formally notified of the meeting with an agenda and minutes will be kept. This would be an information meeting and NO decisions or votes would be taken at this meeting.

The EC agreed to have a **Special EC Meeting at 7pm at the Holiday Inn on Wednesday June 4** - paid for by the owners of the retail lot. An invitation newsletter was agreed by the EC and will be sent to all Owners asap.

After the Owners have the information from that meeting we will invite written submissions, feedback etc. from the Owners then have another Special EC Meeting in, say, 4 weeks to allow response to feedback and perhaps have a straw poll on levels of interest.

Ultimately any decision would require 75% support from the Owners at a General Meeting.

Meeting finished at 19H25.

Next Special EC meeting Wednesday June 4.

Next regular EC meeting Wednesday June 18.