

**UP 3259 CAPITAL HILL APARTMENTS  
EXECUTIVE COMMITTEE MEETING No 52**

**MINUTES**

**Held:** Monday 3 February, 2014, at 7.00 p.m. in Apartment 115/21.

**Attendees:** David Campbell (205/19), Sue Chambers (105/17), Peter Ford (115/21), Derek Drinkwater (22/21), Horace Saducas (118/23).

**1. Apologies**

The resignation of Jessie Neilson (107/19) as an EC member due to continued illness was accepted with regret. The Committee thanked her for her contribution and wished her well.

**2. Treasurer's Report**

The Treasurer's monthly reports for 31 December 2013 and 31 January 2014, and Budget Vs Actuals Reports for September to December 2013, and September 2013 to January 2014, were tabled and addressed by Peter Ford. He advised that the finances were on track with budget projections. Key details:

2.1. **Funds on hand:** \$383,372.21 (December); \$367,271.73 (January). It was noted that \$60,000 had been transferred to the Business Account as per decision in December.

2.2. **Outstanding Debtors:** Levies – \$35,334.22 (December); \$8,757.29 (January). There remained four debtors who have outstanding levy payments due.

2.3. **Payments for September:** \$21,221.46 (December); \$77,347.85 (January). A refund cheque for an overpayment of \$770.00 had been received from John Raineri and Associates on 16<sup>th</sup> December. It was noted that the cost of consultants' reports has been considerable and that it was anticipated that these costs will be recovered in the settlement of our insurance claim (see also 6.5 below).

**Action:** MA to initiate lawyer's letter regarding late payment to the four debtors.

**3. WHS Moment**

There was no WHS issue to report.

**4. Managing Agent's Report**

Highlights of the MA's report included:

- Bollards. Stainless steel bollards of the lockable and removable type from JPK Fencing are still available at approx. \$500 each. (See 6.1.7 for action on bollard installation).
- New arrivals in the complex are Mr Ian Campbell at 102/17 State Circle and Mrs Lisa Wright at 3/17. Welcome letters have been despatched

- Response from Schindler about lift serviceability is awaited. (Interestingly Schindler refers to lifts as “vertical transportation assets”.)
- Irrigation leaks behind Building 19. Two call outs to repair recently. High pressure and failing connections are being investigated by DC.

**4.1.1. Correspondence with Owner (117/21)** relating to rubbish dumping. A copy of a letter of 3 February to the owner was tabled and discussed. It was decided that an Infringement Notice may need to be sent if there is another incident or an unsatisfactory response to the MA’s letter. The Committee discussed other matters with garbage disposal in Building 21. See also 6.9 below.

**Action:** Monitoring situation.

**4.1.2. New Arrivals:** The problem with owners or their agents neglecting to inform the MA of tenant changes and other details continues to frustrate attempts to maintain the Corporate Register; see also 4.1.4. below.

**4.1.3. Corporate Register:** The MA reported that a couple of partial responses to his last letter had been received by the 1 February deadline. Since it is a legal responsibility to have a current Corporate Register, this poor response is both frustrating and exasperating. See also 5.1.3. below.

**4.1.4. Lifts:** There appears to be a high rate of unserviceability but the latest response from Schindler is that the lifts are “operating within specification and repairs are within normal expectations”. Given that Schindler is paid c. \$17,000pa to maintain the lifts, the EC considered this response somewhat inadequate, particularly with respect to the delay in replacement of a floor indicator light in Building 19’s lift which has been reported repeatedly for at least 6 months. Schindler is obliged to maintain stocks of spare and repair parts.

**Action:** MA to follow up the specific request for Building 19’s lift.

## **5. Business Arising from Last Meeting’s Minutes**

### **5.1. Administrative**

**5.1.1. Amendment of Rules Registration:** SC obtained a copy of the current CHU insurance certificate of currency from File Smart for the EC record and loaded a copy on the website for the benefit to owners. The invoices for the Rules registration were checked on File Smart and copies made for the EC record. HS also provided the meeting with a copy of the Registration of the original rules dated 10 October 2008.

**Action:** SC to send MA a copy of the Registration document.

**5.1.2. Basement Car Parking Infringement:** In response to a letter sent to the owner of 110/19, the owner has advised MA that the tenant has been warned. The EC will continue to monitor the parking behaviour of the tenant.

**Action:** Completed, EC monitoring status.

**5.1.3. Corporate Register.** SC provided the meeting with copies of the current Corporate Register of EC Members and the Corporate Register of Owners and Occupants. As well, SC

provided a copy of the MA's letter of 13 December 2013 that again requested the outstanding owners to provide names and contact details of current owners and occupants, and including an Information Form and Change of Information Form. Copies of the Information and Change of Information have been loaded to the Owners section of the website.

The EC continues to be concerned that the current Corporate Register is incomplete and thus non-compliant with the legislation. It is important that this situation is remedied as soon as possible, difficult as it is to get respondents to comply. Short of draconian legal action, the EC is at a loss to think of further reasonable action to take.

**Action:** SC to email MA requesting him to send yet another letter and forms to all non-compliant non-resident owners, noting that this would be the fourth such mailing in the past six months.

**5.1.4. "File Smart" Electronic Folder:** Accessibility and usefulness of information held on File Smart for EC purposes were discussed. The MA as the particular licenced holder of the File Smart software has access to much more data than the EC members, as non-licence holders themselves can have. (Generally, current data is relatively easy for members to access but the older the data, the harder is it for non-licence holders.)

**Action:** EC members to request MA for specific information held on File Smart if they have difficulty accessing the information themselves.

**5.1.5. Possible Serviced Apartment use in Unit 21/21** In response to the MA's letter of 11 December to the owner of 21/21 querying the possible use of the property as a serviced apartment, the owner has advised that that is not the case; that there has only ever been a single tenant. EC members, however, are still concerned that there appears to be circumstantial and anecdotal evidence of a high turnover of occupants that are not recorded on the Corporate Register. This leads to a suspicion that there may be sub-letting going on.

**Actions**

**5.1.5.1.** MA to request the contact details of the occupant of 21/21.

**5.1.5.2.** EC members to keep monitoring situation.

**5.1.6. Apartment Manual:** SC reported that the revised Apartment Manual (which includes sections on Corporate Register information and owner responsibilities, serviced apartment prohibition and a note on replacement of batteries for car park remote security devices) has been uploaded to the website and is dated 4 December 2013. The meeting decided that it would be more appropriate for information on garbage collection to be listed in the Services section, and for the section on garbage collection to be revised.

**Action:** DC to send SC a revised section for updating in the Apartment Manual and uploading to website.

**5.1.7. Welcome letter to new owners and occupants** The content of the Welcome letter needs to be revised, perhaps one for new Owners and one for new Occupants. DC will draft these letters.

**Actions: DC to draft letter(s)**

**5.1.7.1.** DC to send the MA and SC revised welcome letters.

**5.1.8. KJB response to ACT Supreme Court Dismissal of Builders Appeal from ACAT decision**

DC reported that KJB agreed the ACAT decision could be useful in the future for CHA e.g. should the roof issue escalate to dispute.

#### **5.1.9. NFS Contract**

The Committee reviewed recent correspondence from DC to MA about reconciling NFS inspection reports and the use of Wayne Taylor to do some of the remedial work on the NFS list. It was noted that Taylor, as a licensed electrician, has the necessary qualification and that he provides the service at a lower cost than NFS (the estimated saving for the Owners Corporation for the past 2 years is \$6,000). It was resolved to continue to use Taylor in this way.

#### **5.1.10. Security Devices held by owner of Unit 14/19**

**Action:** HS to follow up on his return in March.

#### **5.1.11. Letter box**

DC reported that he had contacted Australia Post twice but has had no response. He also wrote to Senator Zed Seselja on 14 December, 2013. He will contact Senator Seselja in a fortnight if he has not had a response.

### **5.2. Insurance**

DC reported that there has been very little progress on the CGU insurance claim over the past two months since the EC is still waiting on two final technical reports from ASD to send to CGU. So far, CGU has not given any negative signs about accepting liability but nor have there been any particularly positive ones; this is a concern. There is a high priority for action to be progressed. DC noted that when the CGU makes an on-site inspection (let alone for any actual work) there will be a major oversight task for coordinating with owners and tenants. This will be a significant task for the EC and the MA. KJB has been tasked to hasten a response from CGU.

**Action:** DC to find out when CGU assessor will come on site and inform MA of the dates and the need for coordination of the inspection and any subsequent work with relevant owners and tenants.

**5.2.5 Roof** – A meeting was held on 22 January in the MA's office with DC and HS together with representatives from Delnas and Advanced Structural Designs (ASD). The purpose of the meeting was for ASD, as our technical advisers, to validate Delnas' recent remedial work on the roofs and for its compliance with standards and building codes. The meeting was amicable and a very satisfactory compromise was reached on further work by Delnas. It is expected that this work will be carried out shortly.

### **5.3 Landscape**

**5.3.1** DD reported that he had been doing monthly walks around the grounds with Luke Oldfield and had an agreed itemised list that Luke was attending to in a satisfactory way. Luke provided a quotation for landscaping upgrades to:

- Supply and plant Callistemon 'Little Jon' in garden bed behind Block 23

- Remove dead Dianella from garden bed at the rear of Block 21 and replace with Dianella 'Tasmanica'
- Supply and plant a mature aged Malus loenos 'Plena' in raised planter box at rear of Block 19
- Mulch all rear garden beds with 14 mm tanbark

The quote was for \$2,200 including GST.

**Action:** DD to forward the quote and to request MA to issue a work order accordingly.

The Committee then discussed the state of the nature strip grass, which has taken a pounding in the past month's heat wave. It was agreed that a new 'nodding' sprinkler be purchased that will be more effective. It was noted that DD and HS will be absent in the next few weeks and that DC will cover for hosing in that period. DD informed the meeting that he will be leaving Australia to accompany his wife on an overseas posting for three years starting in April 2014, and prior to that will be on vacation overseas for much of that time. This information was considered in discussion of item 6.1.1.

**Action:** DC to purchase a suitable sprinkler.

## 5.4 Maintenance

**5.4.1. Installation of door signs:** This has been actioned.

**5.4.2. Rain Water heads quote – 6 Star Plumbing:** A revised quote for sealing 12 rain water heads on Building 17, dated 30 January 2014 was received. The total cost would be \$5641.00 (including GST). The EC resolved to accept this quote on the understanding that the maintenance would be a long term repair (the seal was guaranteed to last at least 10 years); that it was appropriate given the unplanned cost to have a staged maintenance plan for the rain water heads; and that those at Building 17 were the most in need of the repairs given the history of problems with leaves from the adjacent two large trees. Money for the remaining buildings would be addressed in the context of the 2014-15 budget deliberations.

**Action:** DC to forward the quote to MA to issue the work order.

### 5.4.3. Hydraulics Consultant Report on HWS water pipe installation

Attempts to engage the hydraulics engineer recommended by ASD have been unsuccessful and an alternative (THCS Building Hydraulic Services Consultancy) has been contacted. A metallurgist may also need to be consulted. HS will pursue this on his return in March. It was noted that another leak in the HWS for Buildings 21 & 23 was reported on 4 January and that the MA had arranged for our plumber, 6 Star, to repair it.

**Action:** HS to follow up with THCS

## 5.5. Social

The successful EC and CHA Christmas parties, and especially JN's organisation, were noted. EC members considered the time of the year was suitable for the parties. A plan for tables, umbrellas and chairs to be brought to the CHA Christmas party will need to be arranged closer to the time.

## 5.6. Website

**5.6.1 Modifications:** The Apartment Manual, Insurance Certificate of Currency, Corporate Register Information forms have all been uploaded recently. Thanks to Jane, the historical video is now running again.

**5.6.2. Lift Notices:** DC reported a new set of notices (on crushing cardboard boxes before placing them in the garbage bin) had been put up but, regrettably, is ignored by some thoughtless and selfish residents. The notice in Building 21's lift has vanished; the culprit is suspected. The next routine notice will be based on speed limits in car driving in the basement. Further suggestions for notices are welcome.

## 6. New Business

**6.1. Jessie Nielson's resignation and replacement.** Names of three possible replacement EC members were canvassed. Of particular importance is for a new member with IT experience to cover some of the IT related work HS does, as well as someone to supervise the gardening contractor to replace DD.

**Action:** DC to ask the three owners if they would be prepared to serve on the EC.

**6.2. Access to the Apartments for repair, maintenance and emergency.** PF provided the EC with options and the legal position for Owners Corporations to maintain common property which allows authorized access to apartments for this purpose. This advice followed the difficulty DC had in getting access to common property via several apartments late in 2013. DC advised that EC access to apartments was considered when the apartments were first occupied. DC and HS said that the master keys for the apartments had been destroyed in December 2009 to ensure that no-one could access an apartment other than the occupant and owner; this action reflected owners' wishes at the time. (More recently, a swipe key for building access has been made available at the front doors for emergency ambulance entry. The Fire Brigade is lawfully authorized to break down a door for emergency access to an apartment.) The need for a master key could be reviewed and the EC considered it would be useful to find out how other OCs approach this matter.

**Action:** SC to contact the OCN to find out how other OCs manage access to apartments for common property maintenance and emergencies.

### **6.3. Permit for Blinds and tinted film on windows in Unit 20/21**

It was noted that permission was granted on 10 December 2013.

### **6.4. Consent for Dog in Unit 7/17**

It was noted that consent for a dog for tenants in Unit 7/17 was given on 20 December 2013.

**6.5. Payment for technical reports related to insurance claim.** DC has followed up with KJB whether it is likely that the technical reports that the EC has authorized relating to the Insurance Claim is likely to be paid by CGU. KJB has advised that it is likely and that our legal costs associated with the claim may also be covered.

**6.6. Parking Hazard** – Corner of State Circle and Melbourne Avenue. This hazard was discussed and in particular the parking of cars from the Melbourne Avenue corner with State Circle to the basement car park entry was considered to be dangerous.

**Action:** DC to draft letter for MA to request that this part of the curb be a no parking zone.

**6.7. Bollards to separate ramp and tiles between buildings to prevent tile cracking.** The need arises from the practice of some tradesmen's or removalists' vehicles driving up the ramps and parking on the tiled forecourt. We have only a limited stock of replacement tiles and can no longer accept the risk. An earlier decision not to install bollards was reversed.

**Action:** DC to request the MA have two removable and lockable bollards installed at a cost of about \$500 each, one between Buildings 17 and 19, and one between Buildings 21 and 23.

**6.8. Carpet Cleaning Building 17** SC reported that carpet outside the lift in Level 1 of Building 17 has been stained for some months even though the contract cleaner has tried spot cleaning and that steam cleaning may be needed. There is \$1000 in the budget for such cleaning in addition to the ordinary cleaning contract and members resolved that the carpets in all four buildings be steam cleaned.

**Action:** DC to request MA to obtain quotes for steam cleaning (or shampooing, whichever is the more effective) the carpets in the corridors and stairs.

**6.9. Goods Disposal & Garbage Rooms** DC reported that the present garbage contractor is sticking to the terms of his contract and will not routinely accept large items such as furniture, building materials, flammable materials, televisions, mattresses and the like. He will remove these items only upon request but at a separate cost. The CCTV records people leaving such goods in the garbage rooms, enabling offenders to be charged. In some cases, the MA may be able to retrieve a charge from a departing tenant's bond. DC undertook to redraft the section in the Apartment Manual to further explain the rules.

**Action:** DC to draft revised section on the use of Garbage Rooms for inclusion in a revised Apartment Manual under the section about Services.

**6.10** Hot Water Leaks 21/23. See Item 5.4.3.

**6.11.** Lift Unserviceability. See Item 4.1.6.

**6.12.** Burst irrigation line behind Building 19. See Item 4.1.5.

## **7. Other Business**

### **8.**

**7.1. OCN** DD reported that an invoice for the annual renewal of OCN membership had been received. The cost would be \$73. He noted that the AGM for the OCN was planned for 5<sup>th</sup> April but he would not be available to attend.

**Actions:**

7.1.1 DD to send MA authorization to send a cheque for membership renewal.

7.1.2 SC to attend the forthcoming AGM of the OCN on 5 April.

**7.2. Common Property Air-conditioning Controls.** There has been a vexatious issue with the unauthorized operation of the air conditioning unit for the lobbies and corridors of Building 21. The action has been to set the temperature too high in winter or too low in summer. The result has been an overload for the compressors and a maintenance service job was required in September 2013 after one such abuse. The machines are not designed for prolonged extreme operation. Unhappily, this interference has continued with every prospect of further serious and expensive damage to the unit.

On 29 January, the MA wrote to the owner of 117/21 about the malfunction of the air conditioning unit in the common property area of Building 21. This was in response to the owner's asking that the air conditioning be fixed. The MA explained that the air-conditioning units in the foyers are common property and the current policy of the Executive Committee is to leave them off as a cost cutting measure. Having the fan running (without artificial cooling) is normally quite sufficient ventilation for the common areas of corridors and stairs. The practice of some irresponsible residents to turn the temperatures to its minimum for prolonged periods only damages the units. The signage asking residents not to interfere with the settings is there for a good reason.

The EC noted that there had been further interference with the control. Steps to remedy the situation were considered. A new Rule banning tampering with plant and equipment in the common area might be prepared for consideration at the AGM. Because of the continued overloading of the air-conditioning unit in Building 21 it was decided to disable the relevant unit pending resolution of this nuisance.

**7.3. Sinking Fund Plan.** PF noted that the Sinking Fund plan is due to be reviewed in 2014. HS will contact Donald, Cant, Watts, Cork Pty Ltd. who provided the estimates for the current plan. Other items that may be considered for inclusion are the maintenance of rain heads, maintenance and replacement cost of CCTV and solar power.

#### **8. Next Meeting**

The next meeting will be held on Monday, 3 March at 6.00 pm, in 205/19. HS will be overseas.

The Meeting closed at 10pm.

Approved

9 February, 2014

David Campbell  
Chairman