

**UP 3259 CAPITAL HILL APARTMENTS
EXECUTIVE COMMITTEE MEETING No 51**

MINUTES

Held: Monday 2 December, 2013, at 6.00 p.m. in Apartment 105/17

Attendees: David Campbell (205/19), Sue Chambers (105/17), Peter Ford (115/21), Derek Drinkwater (22/21), Jessie Neilson (107/19), Horace Saducas (118/23).

1. Apologies

Peter Hughes (209/23) resignation as an EC member was accepted with regret.

2. Treasurer's Report

The Treasurer's monthly report as of 30 November 2013 and Budget V Actuals Report for October 14 – November 13 2013 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:** \$403,230.34. December levy payments have been coming in.
- 2.2. **Outstanding Debtors:** Levies – \$2,776.29. There remained one debtor whose apartment is being sold. Payment is expected to be settled as part of the sale of the apartment.
- 2.3. **Payments for September:** \$16,830.74 (GST included).

3. WHS Moment

There was no WHS issue to report. It was noted that there is a loose tile in the Walkway between Building 19 and 21 which is a potential hazard. **Action:** HS to fix.

4. Managing Agent's Report

The MA's written report was considered. It was noted that:

- 4.1. The occupant of 110/19 continues to **park** in the basement inappropriately despite the instruction to the landlord's agent (email to Samantha Gibbs on 20 November 2013 from MA). At the time of the meeting the content of the email was unavailable. PF advised that follow-up correspondence should comply with the infringement notification law in case future legal proceedings are taken.
- 4.2. **Amendment to the rules:** See item 5.1.1.
- 4.3. **Parking Signage:** There has been some improvement in State Circle parking since the new 2 hour parking signs have been installed. However the rationale for not including on the signage hours for the limitation (7.30 to 5.30am Monday to Friday) is unclear.
Action: SC to ask MA to obtain clarification on this point.
- 4.4. **Corporate Register:** See item 5.1.4.

- 4.5. **File Smart Management:** It was noted that MA did not provide advice on this item which was listed on the Agenda, and considered later in the Meeting (Item 5.1.6). Our concerns about the shortcomings of the present system remain.

5. Business Arising from Last Meeting's Minutes

5.1. Administrative

5.1.1. **Amendment of Rules Registration:** MA reported that the Rules amended at the AGM were lodged with the Office of Regulatory services on 26th November. The new rules were uploaded to the website on December 2nd 2013. MA noted that two registration fees for amendments had to be paid. EC requires copies of registration for the two amendments, and also a copy of the current certificate of registration of insurance.

Action: SC to request MA to provide copies of these registrations and certificate of insurance.

5.1.2. **Basement Car Parking:** Covered in item 4.1.

5.1.3. **Car parking signage:** Covered in item 4.3.

5.1.4. **Corporate Register.** To ensure that all owners are aware of the obligations in Sections 114 and 115 of the *Unit Titles (Management) 2011 Act* for the supply of information for our Corporate Register, MA is to send a letter to all owners for compliance by 1st February 2014. Copies of information forms for owners to use for owner and occupant details and changes in details including vacancy notification are to be placed on the website in the owners section. Completed copies of the forms are to be returned to MA and copies sent to the Secretary for the maintenance of a complete Corporate Register by MA and an abbreviated Corporate Register by the EC (with names and correspondence details of owners and occupants). **Action:** SC to draft letter and forms for DC who will discuss the process with MA.

5.1.5. **EC Meeting Decision Index:** PF was thanked for providing an updated index of EC decisions from past Minutes of Meetings. He has agreed to continue with updates.

5.1.6. **"File Smart" Electronic Folder:** The current indexing of the electronic file system used by MA was considered ineffective for EC members' use. The chief need is for a capability for comprehensive indexing of documents and an appropriate protocol will need to be developed once this capability is added by the system's proprietor. **Action:** DC to continue to discuss with MA.

5.1.7. **Post box request:** DC submitted a second request on 67 November for a new post box on State Circle. No response has yet been provided by Australia Post.

5.1.8. **Apartment Manual:** SC to revise Manual to include sections on Corporate Register information owner responsibilities, serviced apartment prohibition and note on replacement of batteries for car park remote security devices. **Action:** SC to revise Apartment Manual and send the updated Manual to JW for uploading to website.

5.2. Insurance

5.2.1. **CGU & KJB:** DC provided an update on insurance claims. The next stage will be on-site assessments.

5.2.2. **Costs recovery:** As part of the insurance process, there have been substantial funds for legal and professional advice which might be repaid as part of the insurance claim. **Action:** DC to consult with KJB Solicitors.

5.2.3. **Common Property claims:** No additional report.

5.2.4. **Individual Property claims:** No additional report.

5.2.5. **Roof – Delnas:** Some work on the roof was completed by Delnas staff on 29th and 30th November. This included uncovering the roof gutter sumps. Grating over sumps was extended. In Building 17, 3 dead birds, nest and eggs were found under lid over sump. There remains an issue of installation of overflow management. **Action:** HS to follow up the overflow issue with Delnas and the bird issue with our pest contractor.

5.3. Landscape

5.3.1. **Contract:** DD reported he had completed an assessment tour of the gardens with HS and PH and later with the contractor (All Seasons, Luke Oldfield) who took on board a list of items that needed work, including the nature strip. Luke advised that the items would be completed by the end of the year. He advised that he was obligated to mow and fertilize the nature strip but had a problem with the necessary watering schedule. Luke also submitted a claim to the EC for an adjustment to his monthly payment rate from \$1359.44 to \$1413.82 from 1st January 2014, due to operational expenses and salary increases. The Meeting was advised that Luke is now employing men with gardening expertise or apprentices instead of some unqualified day labour. This is expected to lead to more effective gardening services. HS and DD advised that their preference was for All Seasons to continue with our gardening contract. The continuing of the contract and the increase in payment were approved while emphasizing the need for close monitoring.

Action 1: HS and DD will water the nature strip with assistance from JN.

Action 2: DD to draft a letter for MA to send, instructing MA to accept the quote and note the agreement with members of the Executive concerning the maintenance of acceptable standards for work on specific items.

5.3.2. **Nature strip:** DD reported he had discussed the maintenance of the State Circle nature strip with Peter Bewtel, Asset Manager of the NCA. He was advised that NCA was not responsible, but would help with reseeding in the spring time. **Action:** DD to contact the NCA Asset Manager next spring to remind him of the commitment.

5.4. Maintenance

5.4.1. **Installation of door signs:** DD showed the signs he had developed for building doors to request people to close the doors quietly. The EC considered the signs too large.

Action: DD to redesign a smaller sign and install on the entrance doors of the four buildings.

5.4.2. **NFS Fire Alarm PA system test:** HS reported that the audibility problem of hearing the emergency signals has been fixed. All five systems are tested on a regular basis (basement and four buildings) including the broadcast volume levels. **Action:** Closed.

5.4.3. **Rain Water heads quote – 6 Star Plumbing:** DC advised that the EC members by circulation had recommended acceptance of the quote option called Part 1 option 1. This involves a complete seal of the entire inside of the rain water heads, and should last for at least 10 years. The quoted cost is \$4150.00 including GST for sealing 18 accessible rain heads. HS advised that there are actually 23 accessible rain heads of a total 48 rain heads. As this was not a budgeted item it was resolved that the quote be accepted, with clarification of the cost for the 23 accessible rain heads. The Treasurer commented that it would be possible to change the sinking fund plan to accommodate this expense. This option was not followed through with at this stage and instead a staged approach over at least two years would be needed. **Action:** HS to clarify whether the quote was for 18 or 23 rain heads and, pending the outcome of this, to advise MA to accept the quote of \$4,150.

5.5. Social

5.5.1. **EC Party:** A Christmas Party at DC's apartment is to be held on December 8th at 12 noon for current EC members and their partners. Invitations will also go to Peter Hodge, Sue Brooks and Peter Hughes and their partners.

5.5.2. **CHA Christmas Party.** JN reported on the planning of the Party for Saturday 14th December from 2.30pm on the lawns behind Building 17. Invitations have been given to all occupants via post boxes and with extensive advertising in the lifts and doors.

5.6. Website

5.6.1. **Modifications:** With Peter Hughes' resignation, DC will take on the responsibility of monitoring, augmenting and liaising with JW about the website, together with SC for administrative items arising from EC Meetings. DC and SC commented on the unsatisfactory speed of fixing the video on the History page of the website. DC reported that from September to November there had been 1705 visitors to the website, about 13 hits per day. The popular pages were the Community Notice Board and the Information Page. Some 180 Owner logins were recorded. These statistics were considered to be evidence of a reasonable access rate for the website. **Action:** DC to take responsibility for the website content together with SC for administrative items.

5.6.2. **Lift Notices: More frequent use of lift notices was recommended by EC members.** Two examples designed by DC were provided. JN with mentoring of HS will take on putting up notices in the lift. **Action:** JN to put up a set of the notices.

6. New Business

6.1. **ACT Supreme Court Dismissal of Builders Appeal from ACAT Decision:** The recent ACT case bought to the attention of the EC by PF was seen as having implications for claims against

Delnas and the HWS installation possible insurance claim. **Action:** DC to raise implications with KJB Solicitors.

6.2. **Basement Leaks:** There has been some further, but not particularly serious, leakage near the beam in the basement following recent rain. Another basement leakage observed by JN was found to be due to failing valve in a toilet of 105/17. Robert Edwards has fixed the problem and said it was due to faulty installation. Similarly the leak around a rubber seal of a toilet in 205/19 was identified as being due to the lack of four screws to anchor the variobend to the wall when the toilet was installed; it is suspected this could be the case with every toilet in the complex. Short of dismantling every toilet for inspection, there is nothing to be done other than to wait and see if any further incidents occur. Both toilet leakage problems have been fixed and paid for by the owners. Both incidents occurred after the expiry date of the Builders Warranty Insurance.

6.3. **Hydraulics Consultant: The Building 17/19** HWS water pipe installation issue identified by the plumber could be an insurance claim. **Action:** HS to contact consultant Brad Dobson to obtain a technical opinion on the installation of the HWS water pipes.

6.4. **Serviced Apartment:** There is a suspected case of an apartment in Building 21 being used as a Serviced Apartment. DC has researched whether serviced apartments are permitted in the complex and found that they are a prohibited use for Capital Hill Apartments as set out in the National Capital Plan for the Deakin/Forrest Residential Area. The Plan's Objective for the area is:

"To ensure that the residential areas of Deakin and Forrest that lie between State Circle and National Circuit maintain and enhance the character of the National Capital and are planned and developed in accordance with its national significance.

The Primary Land Use Policy for the area is

- Residential

Other land use permitted is:

Home business

Commercial accommodation including serviced apartments is not permitted."

The full text is available on pages 24 to 27 of

http://www.nationalcapital.gov.au/downloads/planning_and_urban_design/NCP/NCP_Part1_Principles_Policies_Designated_areas_Special_Requirements_1.pdf

EC members expressed concern about the specific case and about the probable lack of awareness of some owners that serviced apartments are a prohibited use by law. Ways of promulgating the prohibited use of serviced apartments to existing, new and prospective owners were discussed in terms of inclusion of information on the website, news item via letter to owners and text in Welcome Pack.

Action 1: DC to draft a letter for MA to send to the owner of the apartment in Building 21 which may be leasing the apartment as a service department, expressing EC concern that there may be an illegal use of the apartment, and determining the owner's response.

Action 2: SC's draft amendment to the website (referring to the National Capital Plan for the Forrest/Deakin area and the prohibited use of serviced apartments) to be considered by DC and then sent to JW for uploading to the website's Welcome page. The PDF file with pages 24-27 of the National Capital Plan for the Deakin/Forrest Area should be hyperlinked.

Action 3: DC to consider JN's comments about information supplied to new owners, review the Welcome Pack sent by MA and discuss with MA the means of ensuring new owners are aware of their legal responsibilities and obligations, particularly Sections 114 and 115 of the *Unit Titles(Management) 2011 Act* and the National Capital Plan for the Deakin/Forrest Area. He will report to the next meeting on this matter.

6.5. **Online accounts:** DC reported a discussion with the MA of the possible efficiency of introducing online payment of levies and collection of contact details. The introduction of secure online payment was seen as too costly. The collection of contact details and compliance with Sections 114 and 115 of the Act relating to the Corporate Register is to be managed as per Item 5.1.4 **Action:** Closed

6.6. **Gardening Contract fee:** This item was determined in item 5.3.1.

7. Other Business

7.1. **Absences of EC Committee members in 2014:** PF notified the EC Committee that he will be overseas but in email contact from 24 August to the 8th October 2014. Other members notified the following absences:

DC: 17 December to 18 January

SC: 28 December to 14 January

DD: no planned absences

JN: 20-26 December; 21-24 January

HS: 3-7 January; 28 February til early April

7.2. **Security devices (swipes and remotes) held by a departing owner:** HS reported that the records show the owners of 14/19 hold 8 swipes and 7 remotes. The owner is in the process of selling. HS has sent an email (28/11/2013) requesting the owner do an audit of the security devices held and report back within one week so that any unnecessary security devices can be deactivated.

8. Next Meeting

The Meeting closed at 9pm.

The next meeting will be on Monday, February 3 at 6.00 pm at Peter Ford's apartment 115/21.

[Note: Subsequent to the Meeting, SC notified that she would be returning to Canberra Airport at 6.30pm that night, and would be late for a 6pm meeting. The start time for the meeting may be postponed til 7pm. TBC by email.]

Approved

David Campbell
Chairman

4 December, 2013