Capital Hill Apartments, UP3259.

EXECUTIVE COMMITTEE MEETING # 148

MINUTES

Wednesday 8 November 2023, 12.00pm-1.30pm.

(Teams Link meeting)

Attendance:

Executive Members: Dermot Casey (DC) 204/19 (Acting Chair). Geraldine McGregor (GMcG) 12/19, Peter Ford (PF) 115/21, Nissanka Dasanayaka (ND) 6/17, Kim Farrant (KF) 23/21, Linden Orr (LO) 204/19.

Bright & Duggan (B&D): Virginia Sinlao (VS)

Apologies: Gaye McDermott (GMcD) 203/17, Janet Hirst (JH) 101/17.

Meeting opened at 12.00pm.

1. Minutes

a. **Resolved:** Minutes of ECM147, 28 July 2023, as circulated be accepted. **Action:** VS to circulate Minutes to owners, & post to Stratamax portal and CHA webpage.

2. Matters arising

a. **Noted:** After the completion of the outstanding solar installation, confirmation has been received from EPC Solar that they have finally submitted the necessary information to EVO Energy. With this confirmation in hand, our next step will be to proceed with the assessment and follow-up of electricity charges, aligning with our initial plan. **Action: 1.**VS is continuing to pursue this issue and update.2. VS/DC to discuss out of session what additional actions might help progress this.

b. **Noted:** As a result of 2 (a), VS continues to advise CHU that the insurance claim cannot be closed until the solar system has been tested and certified so that we can track power generation and payment. They engaged the installer so are responsible for completion and testing. The issue of who/how system is monitored will be resolved subsequently. Confirmation of completion of roof repair has been provided to CHU.

c. **Agreed** that B&D be invited to provide a proposal for a contract for engagement as managing agents for CHA.

3. Report back on Special General Meeting

a. **Noted:** that at the SGM a majority of owners present requested that a website be maintained for CHA. The EC will liaise with Technowand to identify what services they provide, cost breakdown, and resolve issues of access that some owners have reported. **VS** to provide copy of current agreement and what is provided. At the same time the EC, will seek to identify other providers that may offer the same service but at a cheaper price. (GMcD to progress)

b. **Noted:** the SGM approved the collection of a special levy to support waterproofing remediation works previously identified. The EC members will provide further advice to the AGM and a proposal for a two-stage schedule for payment in 2024 for approval at the AGM.
c. **Noted:** That the SGM approved a request from the owners of unit 20/21 for installation of triple glazing to unit windows.

4. Waterproofing Priority Project

a. Members **noted** that remediation work for 109/19 and 15/19 are ongoing and considered a contract variation for some additional waterproofing works to the western wall of unit 15/19, not previously included in contracted work following water testing and advice from OPA. **Agreed** to contract variation and additional expenditure of $22,000.
b. Members noted that the *Summary of Water Ingress issues identified in UP 3259*, a summary paper previously circulated, and resolved to consider at next meeting the next remediation projects to be undertaken and provide advice to owners.

5. Treasurers Report

a. **Resolved:** to note end of June financial Report, noting that whilst the funds balance appears healthy, accrued liabilities arising from agreed expenditure of sinking fund will reduce this over the coming financial year.
b. **Noted:** Advice received at Item 3 (b).
c. **Noted**: That detailed monitoring of expenditure during the past financial year had identified potential savings and that the administrative budget should be reduced from $386,000 to approximately $300,000 for 2023-24. In light of the need to continue to achieve a viable sinking fund, savings be transferred to the sinking fund. The EC recommends that for 2023-24 there be no overall increase in levy.
d. Members noted that there needed to be further negotiations with providers prior to AGM to firm up these budgetary savings. **Action**: VS to organise meeting with Cleaners/gardeners for DC and GMcG.
e. Members considered the draft line by line budget and minor variations were agreed across a number of items. **Action**: VS to prepare a revised itemised budget for distribution at AGM via EC.
f. Members agreed to reverse a previous decision and agreed to maintain the term deposit of approx. $100,000 at this time.

6. AGM

a. Members discussed issues for report back to AGM from 2022, namely:
    1. Electric Vehicle charging (paper by PF) updated-to be tabled at meeting.
    2. Exit Button on basement garage-straw poll indicates no consensus.
    3. Individual solar panels- Need to tackle issue of CHA solar first.
    4. Upgrade of Gas Hot water.

b. It was agreed that at this time the committee did not have capacity to advance any of these issues and would invite any owners who wished to explore them in more detail to take these on at the AGM.

c. VS noted that the current valuation of the complex required review for insurance purposes. It was agreed to undertake this in 2024.

d. VS noted that the 2022 AGM had agreed to engage Bright and Duggan (B&D) as managing agents but that such an arrangement had yet to be put into effect. B&D were proposing a two-year agreement. Whilst the committee endorsed this in principle it was agreed that a formal proposal was required by the EC before a firm recommendation could be put to the owners. If this could not occur before the AGM it will be scheduled for completion in 2024.

e. It was agreed that an item for the AGM should be the establishment of the 'Garden Club' and Deidre Hislop (DH) would be asked to give a brief report to the AGM on the enthusiastic beginnings. It was also suggested that the Gardeners club be invited to organise the Christmas gathering. Action: DC to speak with DH.

7. Building Management

a. Airbnb policy consideration- (JH) defer until JH present- Subsequently JH has requested to be put on AGM agenda. **Action**: VS to include on AGM agenda.

b. Use of reconstructed balconies- PF has previously provided a paper regarding this. **Noted:** PF has provided a paper (attached) noting that 'new rules' should not be required but 'standards' might be developed for a revised apartment manual to provide guidance.

c. Reimbursement of ACAT costs 23/21. Members agreed that previous decision to reimburse costs still held and VS to action.

d. Electricity demands. The committee discussed the potential increased use of electricity in regard to electric vehicle charging, replacement of gas appliances and agreed that advice was needed regarding the electricity supply to the complex and implications of increased demand. **Agreed**: request Evo Energy to advise on current supply/implications future usage in new year.

e. Members discussed the CHA Apartment Manual provided to occupants and noted that it had not been reviewed for several years. It was agreed that this should be undertaken in the forthcoming year to incorporate any additional information of value to residents.

f. Progress with minor repairs 102/17, 12/19. Still awaiting quotes on former and latter is being organised by owner on agreed reimbursement of costs.

g. Proposal for waste food composting service raised at SGM- members noted that this was not a free collection for apartment complexes and would be put on agenda of AGM to test owners interest and future exploration.

8. Other Business

a. There being no other business.

9. Next Meeting.

Next meeting will be determined following election of new committee at AGM.

Meeting closed 1.41pm.

Dermot Casey,
Acting Chair UP3259 **15 November 2023.**

Maintaining Reconstructed Balconies

(For convenience, the text in blue provides relevant links)

Advice provided by our consulting architect to the Executive Committee has identified a number of causes of leaks from some balconies, one of which arises from the contact between planter boxes and pots with the surfaces of balconies. In order to preclude any recurrence of this particular problem, the advice stressed the importance of ensuring that there is no risk of plants sending roots down to the new membranes. Unit owners will be responsible for this and, under s.24 of the *Unit Titles (Management) Act 2011,* the Owners Corporation will have supervisory responsibilities in this connection. In practice, that responsibility will devolve to the Executive Committee.

2. Since the problem of leaks from some balconies was first identified, a number of measures have been taken by the Executive Committee to remedy the situation. Unfortunately, none of these measures have been fully effective and it became necessary to seek expert advice. That advice led to a decision to carry out a fundamental reconstruction of one of the affected balconies as a prototype (ECM 137 21 April, 2022). That work on apartment 115/21 has since been completed.

3. On 24 November, 2022, the consulting architect also stressed the importance of prohibiting smoking on balconies since damage could be caused to the membrane if a cigarette butt should come in contact with the membrane.

4. The amendments to the *Unit Titles (Management) Act 2011* that were made in 2020 prescribed new Rules (the 'Default Rules') and also made provision for our existing Rules (referred to in the Act as 'non-standard rules') to continue to the extent that they are consistent with the Default Rules. Considered as a whole, the two sets of Rules provide a framework within which the Owners Corporation could formulate a policy to ensure that reconstructed balconies are appropriately maintained.

5. As remade at our recent AGM, our 'non-standard rules' stand with the new 'Default Rules' that are prescribed in Schedule 1 of the *Unit Titles (Management) Regulation* to define the extent of our powers of enforcement. For this purpose, reference should be made to Default Rules 1.3 - Repairs and Maintenance and 1.12 - What may an executive committee representative do? and to non-standard Rules 6.5 - The balcony of your unit and 6.6 - Access to balconies.*

6. In my view, the non-standard Rules referred to above are consistent with the Default Rules and therefore remain valid. The fact that the reconstruction involves the removal of all planter boxes from balconies does not affect the continuation of the maintenance duties of unit owners.

7. Considered together these Rules empower the Executive Committee to specify standards that must be observed where a unit owner decides to replace the old planter boxes with new pot plants. For example, the standards might require that a gap be maintained between any pot or box and the surface of the balcony.

** Note that, in the version of the Rules approved at the 2022 AGM the numbering of the rules referred to above as 6.4 and 6.5 is 4.5 and 4.6.*

Peter Ford
8 November 2023