

**THE OWNERS OF STRATA PAN NO 61139  
9-15 CENTRAL AVENUE MNLV NSW 2095**

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**MINUTES OF THE STRATA COMMITTEE MEETING OF STRATA PLAN NO 61139 HELD  
ON 2 MARCH 2022 IN THE MANLY LIBRARY MEETING ROOM, GROUND FLOOR,  
MARKET SQUARE, MANLY AT 6.00PM**

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**PRESENT:** Mr J Chester, Mr D Mockler, Ms L Brown, Mr N Owen,  
Mr A Longfellow (via phone) and Mr G Brown.

**IN**

**ATTENDANCE:** Mr D Glading, Mr F Martinez de Morentin, Mr R Stone, Mr P & Mrs Z Dybac,  
Mr T Strati (Building Manager) and Ms N Hopkins (Strata Manager).

**CHAIRMAN:** Mr G Brown.

**1. MINUTES**

- a) Resolved that the minutes of the last Strata Committee Meeting held on 9 December 2021 be confirmed.
- b) Resolved that the Minutes of the Informal Strata Committee Meeting held on 20 January 2022 be ratified and confirmed.

**2. CORRESPONDENCE**

- a) Childcare objection letter (tabled)
- b) Steyne Hotel objection letter (tabled)
- c) Email to owners re financial contribution request (tabled)
- d) Unit 230 renovation request documents (see BMR 2.2)
- e) Ray Stone/ G Brown email issues documents (tabled)

**3. BUILDING MANAGER'S REPORT**

Resolved that the Building Manager's report be tabled and discussed, including;

- a) Pool update (BMR 1.13)  
Mr Brown tabled pool update (copy attached).  
Pool renovation costs to date \$35,116.78.  
There have been significant delays with the pool renovation works caused mainly by COVID and weather.  
Mrs Dybac asked if the Tiler would have additional labour when he returns. Mr Brown advised that he has been asked but it is difficult to find labour at present. The Building Manager may be able to arrange additional labour but it is preferred the Tiler bring in people they work with elsewhere.
- b) Gardens, including the scope of works during the autumn period (BMR 2.3-13)

- c) Unit renovations/changes for unit 230 (BMR 2.2)  
The Strata Committee were generally supportive of the works.  
It was agreed that the necessary correspondence from the Strata Committee be provided to Council allowing the Owner to make application to NBC.  
The Owner will have the appropriate By-law drafted and presented to an EGM including all costs involved for such a Meeting.
- d) Unit renovations unit 410A laminate floating floor  
Approval is given for the Owner of 410A to change their flooring providing they meet all the requirements of the By-law.
- e) Balcony issues (BMR 1.7)  
Building manager tabled summary of balcony hob issues reported by Residents.
- f) David Glading complaint unit 308b balcony use  
The Resident is storing items on common property against the By-law. One item is a surfboard. It was noted that the common property surfboard storage area is currently full. Building Manager to undertake a Surfboard audit to see if there are some boards that are no longer used.
- g) Noise complaint flooring Unit 609 (BMR 1.11)  
Resolved that a Notice to Comply be issued to the Owner of Unit 609 for breach of Special By-law 70 by installing a hard floor that does not comply with the By-law.  
NB: It was noted that the Owner of Unit 609 has indicated that they may install carpet on top of the hard flooring. The Owner of Unit 509 advised the Meeting that they are not in agreement with that.
- h) Maria Morentin remark location of Palm & Northern Beaches Review Magazine  
The location of the Palm was addressed and the NBR Magazine is now being kept again for Residents.
- i) Homeless couple rehousing  
This matter resolved.
- j) Maintenance issues to be reviewed and prioritized (BMR 1.10)  
Maintenance item list was tabled and discussed.  
*Car park exhaust intake ducting system.*  
This system was turned off many years ago. It was recalled at that time Council agreed it was not necessary. Ms Brown to check the BMC Minutes and report back to the next Meeting.

*Clock Tower*

It was agreed that urgent safety related clock tower works and the replacement of the broken clock motor will be undertaken. Residual upgrading will form part of the SMS review process.

*Generator Enclosure*

It was agreed that the enclosure of the Generator should be put in the medium category. It will improve the sound proofing for neighbours.

*Weatherboard Low Rise Roof Top*

It was agreed it was high priority to waterproof the weatherboard on the low rise roof.

*Pavers*

It was agreed that cracked pavers were a low priority until works in the area are complete.

*Replace Mesh*

It was agreed to proceed with installation of stainless steel mesh at front garden sections of the building (estimated cost \$2200.00 + installation).

**4. FINANCIAL STATEMENT**

Resolved that the Financial Statement to 31/1/22 be tabled and accepted.

The Treasurer gave an update to the Meeting and advised that spending this year will be greater than income due to some exceptional items ie BMC. The financial position of the Strata Plan will need to improve either via a special levy, increased normal levies or reduction in expenses. The Strata Committee to give this further consideration.

**5. QUARTERLY NEWSLETTER AND FOOTBALL TIPPING COMPETITION PROPOSALS**

Resolved that the Strata Committee communicate more with owners and tenants and keep them better informed of what is happening in the building. Mr Mockler will co-ordinate the drafting of the Newsletter.

It was agreed that the Building Manager run a voluntary Tipping Competition, at no cost, with a prizes from tipping pool funds.

**6. TO DISCUSS PROPOSED MONTHLY SC MEMBER BUILDING INSPECTIONS**

Resolved that regular monthly inspections be carried out by the Building Manager and at least one (1) Strata Committee Member.

**7. REVIEW OF THE PROPOSED CHANGES TO THE SMS**

Resolved that when the SMS Consultant (expert) is appointed that they be requested to advise if the SP61679 courtyard should be declared a shared area.

It was noted that Members (except Council) had mostly agreed to proposed amendments. Once the proposed amendments are formally agreed to the proposed amended SMS will require a General Meeting resolution by each of the Members Strata Plans.

#### **8. UPDATE ON THE DEED OF SETTLEMENT WITH SP 61679**

There is still an amount of \$70,000 owing by SP 61139 under the Deed because of accounting mistakes made previously.

Mr Stone, the form Treasurer, advised that his integrity and competence had been brought into question by the wording. The Chairman said that the wording did not state what the mistakes were.

Ms Brown advised that the Deed is still with SP61679 Solicitor and that she would follow them up.

#### **9. PROTOCOL FOR COMMUNICATION OF COMPLAINTS SUBMISSIONS TO THE STRATA COMMITTEE**

Resolved that:

- a) All communications involving day to day maintenance type issues be directed to the Building Manager by email or if verbally then confirmed by email or letter to the Building Manager.
- b) In the event that the Building Manager fails to respond in a reasonable timeframe or the Building Manager's response is not acceptable to the sender then a follow up may be sent to the Secretary.
- c) Matters not involving a) & b) should be sent to the Strata Manager in the first instance. Matters considered urgent by the Strata Committee shall be actioned prior to the following Strata Committee Meeting.

Mr Martinez de Morentin and Mr Stone left the Meeting.

#### **10. GENERAL BUSINESS**

- a) Reviewing the library

It was agreed that books be date stamped and removed after one (1) year, except for classics.

Mr P & Mrs Z Dybac left the Meeting.

- b) Training for Strata Committee members

It was agreed that Strata Plan join the SCA and attend a training session together.

- c) Maintenance

Mr Glading circulated some photos which he said demonstrated the need for maintenance to be carried out. It was noted that the photos provided of the former Jah Bah area were not the

responsibility of SP61139 and the new Strata Committee was catching up on maintenance, post Covid and were creating priority lists. It was noted additional funds may be required.

d) Building Contracts

Mrs Stow emailed regarding the tendering of contracts that are due to renew in the next 6-8 months.

Building Management: It was noted that a tender document needs to be prepared and that the option of a full time Building Manager should be included.

The Chairman advised that the Building Manager is currently doing a time allocation schedule. Also, the Building Manager and Ms Brown are analysing the February invoices to ascertain work which is contracted out and which could reasonably be undertaken by a full time manager and, in addition, determining what work performed by the Building manager would be unsuitable to be undertaken by an untrained Building Manager.

Cleaning: It was noted that the Cleaning is only on a month to month basis. It was tendered a few years ago and the incumbent was the most economical.

Strata Management: It was noted that the Strata Management Contract expires in November 2022.

The above will be discussed again at the next Strata Committee Meeting.

**NEXT STRATA COMMITTEE**

**MEETING:** The next Strata Committee Meeting to be held on Tuesday 17<sup>th</sup> May at 6.00pm.

**CLOSE:** As there was no further business the Meeting closed at 7.40pm.

# SP61139 POOL RENOVATION TIMELINE REPORT PREPARED FOR SCM

## 02/03/2022

### June 2021

The former Strata Committee (SC) unanimously agreed to proceed with pool renovations ASAP and to do those pool renovations in two separate stages the smaller part in the 2021 off season and the major works in the 2022 off season. This approach was chosen because the SC did not know what financial impact the dispute with SP61679 would have and the potential levy default occasioned by COVID job losses and government rent relief mandates.

The BM was instructed to drain the pool right away as winter began.

### The SC agreed to the following works:

**Stage 1 works** - The first stage scheduled for winter of 2021 was to involve re fiber glassing of the pool shell and replacement of any missing tiles in the spa and pool only. The BM was instructed to obtain a quote to re fiber glass the pool.

The Building Manager (BM) approached an expert pool fiber glass installer recommended by the lot owner Jose Legaz (JL). The fiber glasser provided his quote and then strongly recommended AGAINST fiber glassing the pool during winter months sighting that cold weather was inappropriate for curing resins. The former SC agreed with this advice and the fiberglass install was rescheduled to commence in early October 2021 (the earliest recommended curing date by the contractor). Ray Stone (RS) objected to the delay stating that he had been told by his mate that it could be done in July to August with a curing agent added. The SC commissioned RS to investigate and provide expert advice supporting this. Nothing was provided by RS.

Note: The BM advised the SC to abandon the proposed stage 1 works and instead do the whole job in one go right then. (FYI – this involved - replacement of coping tile, replacement of waterline tile, replacement of spa bath tile and removal of pavers to be replaced with tiles).

### At the request of the former SC, no works occurred during winter and the pool remained empty.

Winter passed with no work occurring on the pool

### Early September 2021 - The former SC changed the stage 1 scope of works for the first time

As works were about to begin as per the agreed stage 1 scope the former SC altered the scope of works to include replacement of the waterline tile in the pool and the replacement of all tiles in the spa only. At the request of the former SC, the BM was instructed to engage his alternate business staff to begin the demolition component of the work immediately. The BM pulled his staff off another active job in Manly to assist Pacific Waves Building, his number 1 priority, and he completed the task assigned quickly.

**Note:** The BM again advised the former SC to do the entire pool works, altogether - now.

### **Around 23rd September 2021. Cement Renderer cancelled**

A cement renderer was engaged by the BM to complete the next necessary task. The cement renderer arrived on site as per schedule to carry out cement render repairs in the pool and spa so that it would be ready for tiling. The former SC asks that the renderer stand down and leave site because they are discussing changing the scope of works again and they no longer need his services on that day.

### **Thursday 23/09/21 - The former SC changed the stage 1 scope of works for the second time**

The former SC instructed the BM to engage his alternate business staff to begin demolition work immediately, this time expanding the scope to include removal of the coping tile.

The BM organises for the work to begin right away.

### **The BM was instructed to obtain a firm quotation from the selected tiler.**

With the waterline tile, coping tile and spa bath tile now removed and concrete grinded down and ready for the cement renderer and tiling the former SC instructed the BM to obtain a firm quote from the selected tiler in accordance with the scope of works at the time which involved: new coping tile, new waterline tile and new spa tile only.

### **Friday 24/09/22 – Meeting at Pool side - 4.00pm.**

Sam Stow (SS) visited the pool site and emailed SC members requesting that they reconsider the “current” “scope” expanding it to include renovating the entire pool enclosed area. Greg Brown (GB) scheduled an onsite meeting for 9.30am, Saturday 25/09/22. SS then sent an email inviting all 5 local SC members to an onsite meeting on Friday 24/09/22 at 4.00pm. At this meeting the 5 decided to expand the scope of works to include:

1. The immediate removal of the coping tile
2. To instruct the BM to obtain a quote for the removal of the pavers so that the former SC could consider the cost of removal of the paver

The Saturday meeting confirmed the above decisions and asked the BM to immediately proceed with the removal of the coping tile only using his alternate staff.

The SC visited the Manly National Building to view the finished pool work which had been completed by the chosen tiler some years earlier. All agreed that the work quality was excellent.

### **27/9/22 Email from Ray Stone**

RS sent an email to the BM and a select few SC members complaining that the BM had not had his staff on site on the Monday. This was unreasonable because the BM had to reschedule other work to accommodate Pacific Waves.

They began on site the next day.

The email also confirmed the BM’s latest instructions from the former SC.

### **Late September, SC does not want contractors from western Sydney in the building**

All workers from the South Western Sydney area are not permitted to attend site, this includes the tiler and painter.

### **5/10/21 Quote received from Antoine's Tiling to provide new coping tile, waterline tile and re-tile spa \$39,000 + GST**

The selected tiler provides quote as requested by the SC and again advises that it is not sensible to leave the existing surround paving. His quote includes a remedy to stop the moisture that is within the paver from entering the new coping tile. The quote also includes a special solution for the coping tile that negates the requirement for a screeding at 2 different heights. This advice will be later rejected by David Glading (DG)

### **During the week commencing 18/10/21 - The former SC changed the scope of works for the third time**

The scope of works was again changed by the SC this time it included the removal of all pavers to be replaced by tiles.

The new scope of works was now the same as the scope of works the BM and tiler recommended in June 2021.

The former SC instructed the BM to engage his alternate business staff to begin demolition work immediately, which he did.

### **Around 14 October - David Glading appoints himself as pool project construction manager with Jose Legaz to assist him with advice if required**

DG chooses the coping and surround tile type and ignores the advice from the appointed tiler. When DG discussed his preferred tile choice (600x600) with the tiler we are advised by the tiler that he strenuously objected to this type of tile size because it would cause issues with falls to drains and walls given the site restrictions, Further, DG chose a coping tile that was a different thickness to the surround tile, this choice causes additional required work and special considerations. The tiler was told that the decision had been made and to work with it. The drainage had to be reconfigured with several expensive stainless steel strip drains added to the spec at a cost of approx. \$2,000. The coping tiles to be used on the many curves would also have to be cut down to size from 600mm to 300mm adding more time and cost of labor to the project.

DG orders the tiles to be delivered 11 November. The cost of the tiles is \$10,041

### **26/10/21 Concrete cancer works and other repair works begin**

The former SC instructed the BM to engage his alternate business staff to begin concrete remediation work immediately. As part of the BMs scope he was also asked to remove all waterproofing prior to the tilers arrival and repair the electrical lights holes in the garden walls.



### **The BM contacts the Pool fiber glass contractor and puts him on hold until further notice**

The BM contacted the pool fiber glassing contractor and advised him that the SC had changed the scope of works again and that he would not be required at this time. The BM told the contractor that he would keep in touch and let him know when the project required his services.

### **Appointment of the tiler**

The 5 former SC members decide to appoint the selected tiler and convert the tiling contract to time based because they believed that they could manage the process more cheaply than a quoted amount. The SC were aware that this tiler was a small business “one man band” tiler and would rely on bringing extra workers to site as needed.

### **October - Work progress delays:**

The tiler is a resident of south west Sydney which experienced hard lockdown from July through October 2021. The SC decided not to allow any workers from SW Sydney into the building until the Sydney full lockdown was rescinded. Additional to this issue it rains almost every day in October.

### **November 2021 rain**

The wettest November month on record with the most number of wet days since 1917. Work could not occur if rain was present given the work and equipment in use.

### **December 2021 rain**

In the first 18 days 12 were wet days. When a series of dry days were forecast the tiler attempted to get additional support semi-skilled laboring staff to site. He was unsuccessful given the extreme shortage of availability of such workers. He was prepared to work between Christmas and New Year rather than take the days off but was again hampered by bad weather.

### **January 2022 rain and Covid**

The tiler returned to site 4<sup>th</sup> January. Again weather intervened. January had 13 wet days. In addition the tiler caught COVID and had to isolate for 7 days.

### **February 2022 rain**

This month became even more weather dependent. The tiler needed 3 consecutive dry days before he could apply the water proofing layers. In the first 18 days of February there were 11 wet days.

### Thursday 10/02/22

The tiler confessed to a conflict problem. Because of the weather delays he had another job started well before ours the owners of which were demanding completion which had been outstanding since July 21. The tiler advised that he would finish that job taking another 6-7 clear weather days then return to our site.

### The BM seeks out an alternate tiler

The BM sought another quotation to see if it was viable to replace the tiler entirely. The alternate tiler attended site with the BM on Saturday, 12/02/22 and undertook to provide a quotation early the following week. On the Monday & Tuesday the alternate tiler started asking questions such as why did we choose 20 mm thick coping tiles and 10 mm thick pool deck tiles which would involve putting down 2 different height screeds taking more time. He also questioned why we chose 600mm x 600mm tiles given the site configuration. Still no formal quotation.

### Wednesday 16/02/22

The contracted tiler advised the BM that he was finishing his other job early and would return for part of Thursday & Friday and full time from Monday 21/02. In these circumstances the SC decided to continue with the services of the contracted tiler.

### Tuesday 22/02/22

Consistent rain and record rainfall prevents any pool work through to the date of this report.

### Looking back

**Note:** had the original agreed scope been maintained the pool and spa would have been available for resident usage from the beginning of the 3rd week of October 2021.

**Further:** had the Building Manage'rs original recommendation to renovate the whole pool area been agreed by the former SC in June 2021 the pool and spa would have been available for resident usage from the beginning of the 3<sup>rd</sup> week of October 2021.

**Prepared 01/03/2022 by G.Brown & T.Strati**

## Invoices paid to date

The following schedule sets out the payments relating to the pool renovation.

Invoice batch date	CONTRACTOR	INVOICE NO.	DESCRIPTION	AMOUNT	COMMENTS
15/10/2021	Tony Strati Remedial Building	90.5	Pool demolition works and concrete repairs	\$6,660.00	audit GB
23/11/2021	Fully Charged Electrical	3069	Pool project: wired up water tank. Connected plumbing to water tank	\$459.98	
20/12/2021	JVT Rendering		Spa / Pool Upgrade: render spa bath and in pool	\$2,000.00	
20/12/2021	Tony Strati Remedial Building	93.5	Pool Demolition Works (Oct - Dec)	\$4,711.00	audit GB
20/12/2021	Mace Tiles & Paint Depot	157569633	4 x 20L hydroexpoxy for the pool	\$1,865.00	
20/12/2021	Antoine's A1 Tiling	611	Pool repairs - prep floor & supply waterproofing materials	\$3,653.10	
20/12/2021	Cowboy Rubbish Removal	ADJ3187458	Rubbish chute hire for Pool Repair	\$237.60	
20/12/2021	Cowboy Rubbish Removal	ADJ3187462	Rubbish removal, heavy mixed	\$308.00	
12/01/2021	Antoine's A1 Tiling	615	Pool repairs - prep floor & supply waterproofing materials	\$2,307.00	
27/01/2022	Cowboy Rubbish Removal	1171	Rubbish removal from loading dock area	\$275.00	
27/01/2022	Antoine's A1 Tiling	616	Pool repairs - prep floor & supply waterproofing materials	\$3,873.00	
18/02/2022	Antoine's A1 Tiling	612	Pool refurbishment	\$4,439.60	
18/02/2022	Antoine's A1 Tiling	617	Pool refurbishment	\$4,327.50	
			TOTAL	\$35,116.78	