

**MINUTES OF AN EXECUTIVE COMMITTEE MEETING  
THE OWNERS – DEPOSITED PLAN NO. 270427**

**ADDRESS OF THE STRATA SCHEME: PRINCE HENRY AT LITTLE BAY  
ANZAC PARADE, LITTLE BAY, NSW 2036**

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**DATE, PLACE &**

**TIME OF MEETING:** An Executive Committee Meeting of The Association, Deposited Plan No. 270427, Prince Henry Community Association was held on Tuesday, 11 December, 2018 in the Frangipani Room, Coast Centre for Seniors at Curie Avenue, Little Bay. The meeting commenced at 6:00pm.

**PRESENT:** Ms H Nilsen, Mr P Wood, Mr K Barker, Mr M McIntosh, Ms S Graham, Ms L Silberman

**APOLOGIES:** Ms L A Pickett

**IN ATTENDANCE:** Mr R Mbae, Ms M Strugarevic, Ms T Comyns, Mr J Pearson, Mr L Neals, Ms S Henderson, Mr M Domazetovski (Change Strata Management Pty Limited)

**CHAIRPERSON:** Ms H Nilsen

**SECRETARY:** Mr P Wood

**TREASURER:** Mr K Barker

The agenda for the meeting was:

**1. WELCOME & APOLOGIES: Chairperson**

- 1.1 RESOLVED that the Chairperson welcome all in attendance and that the Secretary record any apologies.

*Please Note:* - committee members present, those in attendance and apologies are nominated above.

**2. CONFLICTS OF INTEREST: Chairperson**

- 2.1 RESOLVED that the Secretary recorded NO conflicts of interest raised within the agenda below.

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**3. MINUTES:**

**Chairperson**

- 3.1 RESOLVED that the minutes of the last executive committee meeting held on 9 October, 2018 be confirmed as a true record of the proceedings at that meeting.

**4. OUTSTANDING MATTERS FROM PREVIOUS MEETING:**

**Chairperson**

- 4.1 RESOLVED that the executive committee reviewed, discussed and resolved actions on the outstanding matters from the previous meeting(s) nominated below:

- 4.1.1 Lap and Cap Fence at SP – 87551, 19 – 21 Lister, Avenue

**1.**

The meeting noted from the Managing Agent for SP – 87551 that they are still in dispute with their HOW Insurer. The advice given to the scheme from both the HOW Insurer and the Legal representation is that the Owners can not undertake any work to the fence until their matter is resolved.

The Managing Agent for SP – 87551 reconfirmed that the scheme has not refused to do the work and will be doing it as soon as their insurance matter is resolved.

The Managing Agent for the above scheme has requested any legal action be deferred by the Executive Committee as the fence is neither dangerous nor an eyesore.

Accordingly, the meeting agreed review this matter at its next meeting.

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4.1.2                      Sub-division for 4 Meyler Close, DA 410 / 2017                      **2.**

The meeting noted that on 21 November, 2018 a hearing was held on-site, initially, where Ms S Graham and Mr M Domazetovski raised the concerns of the Community Association against the above application which had been amended from a two lot Torrens Title subdivision to a Strata subdivision.

It is noted that interested owners of the same neighbourhood attended the hearing and raised their own concerns against the application.

Following the address made by those objecting to the application, the hearing was adjourned for a site visit to be undertaken with the applicant and relevant attendees both for and against the application.

The hearing resumed in court later that day and evidence was heard from the parties town planners as well as closing submissions.

Commissioner Bish then reserved her decision.

Accordingly, the Community Association will be advised when an outcome is known.

Finally, the meeting requested the Managing Agent seek clarity around any appeal process available if the decision is not in the Community Associations best interest.

4.1.3                      Memorial Clock Repair and Ongoing Maintenance of all Heritage Built Items                      **3.**

The meeting noted a meeting was held with Mr B Tax of the Department of Industry (DOI).

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Subsequently to that meeting, the Executive Committee have received a copy of the DRAFT Maintenance Strategy Report prepared by Soil Conservation Service, New South Wales for the Crown Land Infrastructure Assets held within Prince Henry at Little Bay.

The meeting thanks Mr B Tax for the DRAFT report and seeks an understanding of which repairs and maintenance will be prioritized by the DOI for the coming year so that the works can be communicated to the residents of Prince Henry at Little Bay.

Further to the above, the Executive Committee seeks an approximate timeline for each of the levels of priority to be added to the FINAL Report when it is handed down. Accordingly, the Managing Agent has been requested to seek a date on when the Community Association might receive a copy of the FINAL Report from Mr B Tax and the DOI.

It is noted that recently a new deck had been installed at the Coast Centre for Seniors and works was being assessed on the cross at the Chapel.

Finally, the meeting requested the Managing Agent follow up with Mr B Tax on the attendance schedule and copy of the scope of works for the landscaping undertaken by the DOI contractor at Prince Henry at Little Bay for review and comment by the Executive Committee as well as details of the person or group that had acquired a heritage grant to repair DOI property.

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- 4.1.4            Fence Application for 10 McMaster Place            **4.**
- The meeting noted that a complete submission had not been received and until such a submission is received, this matter is removed from the agenda.
- 4.1.5            Landscaping at the Rear of Manta            **5.**
- The meeting noted the approved works above are to be completed by the gardener early in the new year 2019.
- 4.1.6            Additional Planting along the Walkway to the Oval            **7.**
- The meeting noted the approved works above are to be completed by the gardener before Christmas 2018.
- 4.1.7            Landscaping outside Alaris            **8.**
- The meeting noted the works above are part of the works in 4.1.6 above.
- 4.1.8            Registration of the New Community Management Statement            **9.**
- The meeting noted that the schemes solicitor is in the process of attending to the two requisitions (numbering and plan).
- It is noted that an appropriate surveyor had been located to undertake the drawing of the required plan and a quote was being awaited for review and approval to satisfy the requisition, whilst the solicitor would resolve the numbering matter.

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4.1.9      Summary of Easements      **11.**

The meeting noted that works on the above had not commenced and that it would be a long-term project.

4.1.10      Changes to Consent Conditions at Theater 2,  
8 Darwin Avenue      **31.**

The meeting noted the submission from Mr T Robb, Architect on behalf of the above Owner and the subsequent advice from Mr J Adcock, Consultant who recommended upholding the heritage office reservations for the addition of a screen and decking.

Accordingly, the meeting agreed to uphold the same reservations and requested the Managing Agent relay the above decision to the Architect.

**5. FINANCIALS:**

**Treasurer**

- 3.1      RESOLVED that the accounts for the period ending 11 December, 2018 were tabled and adopted.

**6. RANDWICK CITY COUNCIL (RCC) MATTERS:**

**Change Strata**

- 6.1      That the executive committee reviews, discusses and resolves an action on the Randwick City Council matters nominated below:

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- 6.1.1            Handover of Electricity Accounts to RCC and Reimbursement of Electricity Charges by RCC            **15.**

The meeting requested the Managing Agent follow up on this matter with RCC and ask if there is anything that the Community Association can do to ensure the handover is done in a timelier manner.

- 6.1.2            Objection Letters to Development Applications for 11 and 27 Jennifer Street            **16.**

The meeting agreed to remove this matter from the agenda.

**7. SITE MONITORING:**

**Chairperson**

- 7.1      RESOLVED that the executive committee reviewed, discussed and resolved an action on the outstanding site monitoring matters from the previous meeting(s) nominated below:

- 7.1.1            Antenna on the Roof of 4 Meyler Close            **18.**

The meeting notes motion 9 below and will resolve to commence NCAT proceedings against the house Owner and Associated scheme.

- 7.1.2            Antenna on the Roof of 8 Meyler Close            **19.**

The meeting notes motion 10 below and will resolve to commence NCAT proceedings against the house Owner and Associated scheme.

- 7.1.3            Undeveloped Lot at 1 Murra Murra Place            **20.**

The meeting notes motion 13 below and will resolve to commence NCAT proceedings against the house Owner and Associated scheme.

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- 7.1.4      Antenna on the Roof of 6 Lister Avenue      **21.**
- The meeting noted that this matter had been resolved with the relocation of the antenna and agreed to remove the matter from the agenda.
- 7.1.5      Landscaping at 9 Meyler Close      **22.**
- The meeting notes motion 15 below and will resolve to commence NCAT proceedings against the house Owner and Associated scheme.
- 7.1.6      Porch Collapsing at 9 Meyler Close      **23.**
- The meeting notes motion 16 below and will resolve to commence NCAT proceedings against the house Owner and Associated scheme.
- 7.1.7      Maintenance of 6 and 8 McMaster Place      **24.**
- The meeting notes motion 17 below and will resolve to commence NCAT proceedings against the lot owner and Associated scheme.
- 7.1.8      Antenna on the Roof of 8 Murra Murra Place      **25.**
- The meeting notes motion 12 below and will resolve to commence NCAT proceedings against the house Owner and Associated scheme.
- 7.1.9      Harvey Street Parking Breaches
- The meeting noted this matter is on-going with notices being placed on vehicles requesting they be removed from the Prince Henry at Little Bay roads and visitors parking bays.



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7.1.10 Flowers Ward Bamboo Screening Breaches

The meeting requested the Managing Agent follow up on the above breaches with the associated Strata Managing Agent for 10 / 8 Brodie Avenue.

**8. TELECOMMUNICATIONS:**

**Chairperson**

8.1 RESOLVED that the executive committee reviewed, discussed and resolved an action on the outstanding telecommunications matters from the previous meeting(s) nominated below:

8.1.1 Contract Review requested by PIVIT

**27.**

The meeting noted that a meeting was held recently with Mr P Thompson of PIVIT and Mr B Seamen of LBNCo to discuss a possible assignment of the network management services agreement for Prince Henry at Little Bay.

The meeting confirmed to Mr P Thompson and Mr B Seaman that the Community Association was not party to the network management services agreement and discussions needed to be held with LANDCOM.

The meeting also noted that since the above meeting, the Community Association had not received any communications from either Mr P Thompson or Mr B Seamen.

Accordingly, the meeting agreed to write to Mr P Thompson to seek an update on the discussions had to date.

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Furthermore, the meeting agreed to contact Mr S McCowan of LANDCOM to confirm that discussions have been held with PIVIT and LBNC, however, those discussions were very preliminary in their nature.

The meeting agreed that moving forward it would appoint an appropriate expert to ensure any assignment is compliant and the services required are delivered.

The meeting agreed it was not negotiable on Free to Air and Foxtel provisions.

Furthermore, the meeting agreed it was not going to recommend a fee be placed on the Community Association to receive the services deemed required to be provided by the network management services agreement.

Finally, the meeting agreed to have a solicitor appointed to attend future meeting and negotiations to ensure the Community Associations position is upheld.

**9. LEGAL ACTION REGARDING ANTENNA ON ROOF OF 4 MEYLER CLOSE:**

**Change Strata**

9.1 That the community association RESOLVED to:

- (a) take legal action jointly against the Owner of 4 Meyler Close and The Owners, Deposited Plan No. 286017 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme and By-law 11.1, Appearance of the current Community Management Statement (the same By-laws apply in the new Community Management Statement lodged for registration at NSW Land Registry Services),

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Part 2 of the Prince Henry Design Guidelines and Clause 4.15 of the Randwick Comprehensive Development Control Plan;

- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;
- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

**10. LEGAL ACTION REGARDING ANTENNA ON ROOF OF 8 MEYLER  
CLOSE:**

**Change Strata**

10.1 That the community association RESOLVED to:

- (a) take legal action jointly against the Owner of 8 Meyler Close and The Owners, Deposited Plan No. 286017 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme and By-law 11.1, Appearance of the current Community Management Statement (the same By-laws apply in the new Community Management Statement lodged for registration at NSW Land Registry Services), Part 2 of the Prince Henry Design Guidelines and Clause 4.15 of the Randwick Comprehensive Development Control Plan;
- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;
- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

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**11. LEGAL ACTION REGARDING ANTENNA ON ROOF OF 6 LISTER AVENUE:**

**Change Strata**

11.1 That the community association DID NOT RESOLVE to:

- (a) take legal action jointly against the Owner of 6 Lister Avenue and The Owners, Deposited Plan No. 285944 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme and By-law 11.1, Appearance of the current Community Management Statement (the same By-laws apply in the new Community Management Statement lodged for registration at NSW Land Registry Services), Part 2 of the Prince Henry Design Guidelines and Clause 4.15 of the Randwick Comprehensive Development Control Plan;
- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;
- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

**12. LEGAL ACTION REGARDING ANTENNA ON ROOF OF 8 MURRA MURRA PLACE:**

**Change Strata**

12.1 That the community association RESOLVED to:

- (a) take legal action jointly against the Owner of 8 Murra Murra Place and The Owners, Deposited Plan No. 285944 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme and By-law 11.1, Appearance of the current Community Management Statement (the same By-laws apply in the new Community Management Statement lodged for

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registration at NSW Land Registry Services), Part 2 of the Prince Henry Design Guidelines and Clause 4.15 of the Randwick Comprehensive Development Control Plan;

- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;
- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

**13. LEGAL ACTION REGARDING UNDEVELOPED LOT AT 1 MURRA  
MURRA PLACE:**

**Change Strata**

13.1 That the community association RESOLVED to:

- (a) take legal action jointly against the Owner of 1 Murra Murra Place and The Owners, Deposited Plan No. 285944 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme and By-law 11.1, Appearance of the current Community Management Statement (the same By-laws apply in the new Community Management Statement lodged for registration at NSW Land Registry Services).
- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;
- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

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**14. LEGAL ACTION REGARDING LAP AND CAP FENCE AT SEASIDE  
PAVILIONS:**

**Change Strata**

14.1 That the community association DEFERRED to:

- (a) take legal action jointly against The Owners, Strata Plan No. 87551 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme of the current Community Management Statement (the same By-law applies in the new Community Management Statement lodged for registration at NSW Land Registry Services) and The Prince Henry Design Guidelines;
- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;
- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

**15. LEGAL ACTION REGARDING LANDSCAPING AT 9 MEYLER CLOSE:**

**Change Strata**

15.1 That the community association RESOLVED to:

- (a) take legal action jointly against the Owner of 9 Meyler Close and The Owners, Deposited Plan No. 286017 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme and By-law 11.1, Appearance of the current Community Management Statement (the same By-laws apply in the new Community Management Statement lodged for registration at NSW Land Registry Services).
- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;

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- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

**16. LEGAL ACTION REGARDING COLLAPSING PORCH AT 9 MEYLER CLOSE:**

**Change Strata**

14.1 That the community association RESOLVED to:

- (a) take legal action jointly against the Owner of 9 Meyler Close and The Owners, Deposited Plan No. 286017 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme of the current Community Management Statement (the same By-law applies in the new Community Management Statement lodged for registration at NSW Land Registry Services) and The Prince Henry Design Guidelines;
- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;
- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

**17. LEGAL ACTION REGARDING UNDEVELOPED LOT AT 6 AND 8 MCMASTER PLACE:**

17.1 That the community association RESOLVED to:

- (a) take legal action jointly against the Owner(s) of 6 – 8 McMaster Place and The Owners, Deposited Plan No. 286017 in the NSW Civil and Administrative Tribunal for breaches of By-Law 1, Landscaping & Building Guidelines for the Scheme and By-law 11.1,

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Appearance of the current Community Management Statement (the same By-laws apply in the new Community Management Statement lodged for registration at NSW Land Registry Services).

- (b) appoint J.S Mueller & Co. Lawyers to act for the community association in that legal action on the terms of that firm's attached costs agreement;
- (c) authorise and direct the community managing agent to give instructions to J.S.Mueller & Co in connection with that legal action.

**18. OTHER MATTERS:**

**Change Strata**

18.1 RESOLVED that the Executive Committee reviewed, discussed and resolved an action on the following matters nominated below:

18.1.1 Hiring someone to do site monitoring

The meeting noted that the Managing Agent agreed to have his new staff member take on the above role and would organize a walk through in the new year to bring them up to speed.

18.1.2 6 Lister Avenue street paving possible use of wrong concrete mix

The meeting requested the Managing Agent follow up with the Architect for the above house and bring to their attention that it looks like that the wrong concrete mix was used for the footpath works and that the work will be required to be redone.



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18.1.3 Next Executive Committee Meeting to be held  
on Tuesday, 12 February, 2019 at 6:00pm

The meeting confirmed the above next meeting date and time.

It is noted that the schedule for meetings in 2019 are as follows:

AGM	Tuesday, 9 April, 2019
ECM	Tuesday, 9 April, 2019
ECM	Tuesday, 11 June, 2019
ECM	Tuesday, 13 August, 2019
ECM	Tuesday, 8 October, 2019
ECM	Tuesday, 10 December, 2019

It is noted the above meetings will all commence at 6:00pm.

CLOSURE: There being no further business, the Chairperson declared the meeting closed at 7:00pm.

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**Chairperson**

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**Date**