



**MINUTES OF PBC EXECUTIVE COMMITTEE MEETING
for Sanctuary Cove Principal Body Corporate GTP 202**

Location of meeting: Meeting Room 1, Body Corporate Services, Shop 1A, Masthead Way Sanctuary Cove
Date and time of meeting: Thursday 1st February 2024
Meeting time: 8:31AM – 10:11AM
Chairperson: Stuart Shakespeare

Attendance

The following members were present in person at the meeting:

Lot: Cassia GTP 1702 Owner Cassia GTP 1702 Rep: Mr Peter Cohen (PC)
Lot: Felicia GTP 107128 Owner Felicia GTP 107128 Rep: Mr Stuart Shakespeare (SS)
Lot: Harpullia GTP 107045 Owner Harpullia GTP 107045 Rep: Mr Paul Kernaghan (PK)
Lot: Livingstonia GTP 1712 Owner Livingstonia GTP 1712 Rep: Mr Brian Earp (BE)
Lot: Roystonia GTP 1769 Owner Roystonia GTP 1769 Rep: Mrs Cheryl McBride (CM)
Lot: Washingtonia GTP 1703 Owner Washingtonia GTP 1703 Rep: Mr Tony Ellingford (TE)

The following members were present by Proxy:

Present by Invitation:

Ms Jodie Syrett, Manager Body Corporate (Minute Taker)

Apologies:

Mr Dale St George
Mr Nicholas Eisenhut

A Quorum was present.

Meeting was recorded.

Nil Conflict of Interest

1. Motions:

1 Approval of Previous Minutes (Agenda Item 6.1) CARRIED

Proposed by: Statutory Motion

RESOLVED that the Minutes of the PBC Executive Committee Meeting held on 27th November 2023 be accepted as a true and correct record of the proceedings of the meeting.

Yes	6
No	0
Abstain	0

NOTE: Recommended amendment to the minutes by Cassia MN (PC):
In answer to a question put to company Secretary, Dale StGeorge, by the Chairman (SS) regarding the role of the newly established SCCSL subsidiary company, Resort Body Corporate Services P/L, the response was that the role of this Company was to provide services to Harbour One and perhaps other Body Corporates in the future. When asked if it was not the case that the Company was currently providing such services, he twice declined to answer the question.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

2 Approval of VOC Minutes - ARC (Agenda Item 6.2) CARRIED

Proposed by: Statutory Motion

RESOLVED that the VOC Minutes of the PBC Executive Committee Meeting held on 21st December 2023 be accepted as a true and correct record of the proceedings of the meeting.

Yes	6
No	0
Abstain	0

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

3 Approval of VOC Minutes – 21 December 2023 (Agenda Item 6.3) CARRIED

Proposed by: Statutory Motion

RESOLVED that the VOC Minutes of the PBC Executive Committee Meeting held on 21st December 2023 be accepted as a true and correct record of the proceedings of the meeting.

Yes	6
No	0
Abstain	0

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

4 Approval of VOC Minutes – 25 January 2024 (Agenda Item 6.4) CARRIED

Proposed by: Statutory Motion

RESOLVED that the VOC Minutes of the PBC Executive Committee Meeting held on 25th January 2024 be accepted as a true and correct record of the proceedings of the meeting.

Yes	6
No	0
Abstain	0

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

Proposed by: PBC Chairperson

RESOLVED that the PBC EC notes the Matters in Progress Report December 2023/January 2024 as tabled and provides an instruction to the Body Corporate Manager to remove items (as detailed at the meeting)

Yes	6
No	0
Abstain	0

NOTE:

316 – STAGE 2 DCBLS – The Chair SS advised the review paused late November 2023 and is expected to recommence in February 2024. Hoping to be finalised for the RBC AGMs in June 24.

419 – Village Gate Upgrade –

- The Chair SS sent correspondence to Mulpha Community Relations Officer enquiring about the status of the adjacent subdivision. The PBC members were not informed that work of greater significance was in train.
- The PBC members were previously advised, due to unforeseen infrastructure works and time constraints, the village gate works would commence after the boat show. In the meantime, some associated infrastructure works would take place.
- The PBC EC requests current, accurate information be communicated by Mulpha to the PBC members and residents.
- It was recalled from a previous meeting, DSG advised the Village Gate elements would be painted to improve their appearance as an interim measure. The appearance of both sides of the road leading to the Village Gate is unsightly and requires presentable screening.

Communication with Mulpha Developments Sanctuary Cove

- MN for Cassia PC advised a meeting was set with Amanda Sams, Mulpha CRO. MN for Roystonia CM to attend also to organise improved communications.
- SS mentioned alterations to the boundaries of the Primary Thoroughfare, as are evident with the relocation of the Village Gates, require council approval. SS informed Mulpha with no response.

425 – Mulpha update – Mulpha to confirm the town meeting date and format like the one presented to the PBC last November.

426 – Cypress Point – MN for Roystonia CM asked for an update regarding the gates. CM queried whether the cost of lighting, road upgrade and security gates was factored into the budget. Attention to the potholes and temporary lighting in this area should also be considered. DSG advised that quotes received for the boom, waiting further costings from contractor to install. Potholes and temporary lighting will be reviewed. While these comments may be useful, they were not made during the meeting and should be omitted. Direct contact with the MN is a more appropriate form of communication.

427 – The Address Gates – Work has commenced and includes landscaping, irrigation, and lighting. DSG has advised completion date is set for beginning of April.

428 – Stolen Cars – Remove the term, Stolen Cars, and replace with ‘no recent thefts, however monitoring’.

430 – Blue Pipes – Title to be amended to ‘A Class Water – Exposed Blue Pipes’. Due to the unsightly appearance of the pipes, DSG was to investigate some aluminium screening to replace the chain wire. Agreed the most economic aluminium screening should be investigated.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

6 Body Corporate – Operations Report (Agenda Item 6.6)

CARRIED

Proposed by: PBC Chairperson

RESOLVED that the PBC EC notes the Operations Report December 2023 as tabled.

Yes	6
No	0
Abstain	0

NOTE:

MN for Harpullia (PK) thanked Mika Yanaka (FM) for her preparation of the report. More information is required ie what was budgeted, how much was spent and the forecast amount for the PBC/PTBC. PK expects the PBC EC to access this document before distribution, due to the inclusion of legal details in progress. In the next report the EC members expect the actions passed in the VOC, 25 January 2024, to be enacted.

MN for Cassia (PC) queried the 'minimal staff' turnover of 8.1%, suggesting it was unusually high. He identified a potential problem with the amount of Senior Management experience leaving SCCSL. MN for Washingtonia (AE) enquired if prior to leaving the company, staff attended an exit interview with an independent person? He suggested a request to the board for an exit interview as there was a 48% turnover in 2023. Item for further discussion on March 24 agenda

Lot owners generally appreciated receiving the Operations Report. SS queried why the report was not presented to the EC first for comment. The PBC EC request that the report be provided to its members for comment, prior to distribution. CM mentioned that the report contained legal information with names, which should be redacted due to privacy.

PC suggested the Operations Report should be distributed quarterly not monthly with a summary provided

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

**7 Approval of Electronic Voting and Meeting Notices
(Agenda Item 6.7)**

CARRIED

Proposed by: Statutory Motion

RESOLVED that in accordance with the Electronic Transactions (Queensland) Act 2001:

- a. The Body Corporate consents to voters receiving notices of general meetings, notices of voting outside of Committee meetings, and voting papers, electronically, providing voters have given prior consent in writing to the Secretary; and
- b. Further that the Body Corporate consent to voters casting their votes for general meetings and voting outside of Committee meetings, including secret ballots, electronically.

Yes	6
No	0
Abstain	0

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

Proposed by: PBC Chairperson

RESOLVED that the PBC EC notes and accepts the Correspondence for Information December 2023/January 2024 as tabled.

NOTE:

The Chair (SS) mentioned the increased volume of correspondence for information. He demonstrated by example the evident and unnecessary bias towards the company. Internal correspondence between SCCSL and PBC EC is inappropriate for publication in the agenda. The selected items of correspondence are not complete nor balanced and discredit the PBC EC members and Chair. The EC members believe this action to be intentional.

Yes	6
No	0
Abstain	0

SS gave the following examples -

- I. Correspondence from DSG to SS dated 28 November 2023, which states:
"I disagree with your comment that the EC passed a resolution in a timely manner for the election to be by way of Open Ballot. I have set out my reasons for that below. The EC passed a resolution on 23 October 2023 (that was beyond its power) for the election to be by way of Open Ballot. I informed the EC that this decision could only be made by the PBC in general meeting, and this is reflected in the minutes"

SS comments on the motion DSG is referring to:

"RESOLVED the PBC approves the forthcoming election of EC positions be conducted as an open ballot in accordance with the SCRA Schedule 3 (three), Sections 2 (two) and 6 (six) and a motion be put to the November PBC EGM seeking its agreement to do so".

DSG incorrectly stated the PBC EC acted beyond its power as the EC motion refers the decision to the PBC members who are empowered to make the decision. SS mentioned DSG was aware of the EC's intention to propose an open ballot and with full knowledge, ballot papers were distributed based on a secret ballot.

- II. The letter from Brogan Watling (SCCSL inhouse counsel) to SS dated 24 January 2024 (Item 24). The letter failed to acknowledge on the 14th December 2023, on behalf of the EC, SS initiated with Jodie (MBC) the establishment of the 2024 EC and EGM meeting dates including a late January EGM. The EC VOC confirming the 2024 meeting dates distributed prior to the Xmas break excluded a January meeting. Without consultation DSG instructed it be removed. The letter implies that SS requested a January meeting on short notice. This was wrong. Following the December initiative, and on behalf of the EC, SS communicated with MBC on Thursday 18 January to reinstate the January EGM on the 2024 meeting agenda, advise the MNs, and to comply with the 2-week EGM notice period. Following consultation, MBC (Jodie) advised an 8 February meeting would work in lieu of January and be compatible with the RBC meeting schedule and the availability of the meeting room. Later SS was informed, without prior notice, that MBC could not convene the meeting without DSG's approval and that he was currently on holiday. MBC then advised SS she had been able to speak with DSG by phone and he would be able to get to his computer the day before the notice period deadline. He would then overview the agenda and decide if he would allow the meeting to proceed. Pls note the EC members do not require permission from DSG to conduct a meeting. Given the importance of this meeting taking place, SS then wrote the letter to MBC that is referred to in Brogan's letter of response. It is noteworthy that the letter from SS was excluded from Correspondence for Information. SS's letter essentially asserted the right of the Chairperson to instruct MBC to proceed with the January meeting, as had been arranged. The assertion in Brogan's letter that SS made demands in relation to the January/8 Feb EGM is wrong. Brogan's letter also asserts that it was SS personally who requested/"demanded" the Jan/Feb EGM. This is also wrong. SS requests were made in writing on behalf of the EC. There is correspondence between the EC members that verifies this was the case.

MN for Roystonia (CM) requested the withdrawal of the letter (Item 24) as it implies ignorance of SS and PBC EC. CM stated that it is an unprecedented and adversarial action.

CM requested a copy of Brogan’s (In-house Counsel) job description to better understand her role. CM believes it to be a huge oversight of the company Secretary not to inform the PBC of the hiring of the Legal In-House Counsel.

MN for Livingstonia (BE) stated that no one should be sending information out on behalf of the PBC without the PBC EC’s/secretary’s approval.

MN for Harpullia (PK) mentioned the information regarding the legal matters and the lawyers’ letters should not have gone out due to confidentiality and this could pose a threat to further legal issues. CM advised that these letters and correspondence should be redacted.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

9 Date of next PBC EGM / EC Meeting (Agenda Item 9) CARRIED

Proposed by: PBC Chairperson

RESOLVED that the date of the next PBC Extraordinary General Meeting will be Thursday 29th February 2024 at 11am.

Yes	6
No	0
Abstain	0

RESOLVED that the date of the next PBC Executive Committee Meeting will be Thursday 7th March 2024 at 9am.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Peter Cohen	X		
Cheryl McBride	X		
Tony Ellingford	X		
Brian Earp	X		
Paul Kernaghan	X		

7. Correspondence for Action – PBC EC VOC required for Item 1 and 4 after meeting

Item 1 – After further information and photos were sent to the PBC EC of trees in question, it was decided more information was required from Facilities and will be formally voted on in a VOC because the meeting time had elapsed.

Item 2 – Meeting with Caroline Tolmie (ARC Chairperson), Stuart Shakespeare (PBC Chairperson), Brogan and Jodie on 2nd February 2024 at 11:00am to discuss details around 4728 and action plan moving forward. Following this, informal meeting to be held on 8th February 2024 at 2:00pm with Brogan, Stuart, Caroline, Jodie, and Graeme in meeting room 2. No decision made yet.

Item 3 – Brogan (In-house Counsel) is looking at the amendment to by-law for Plumeria regarding Secondary Thoroughfare.

Item 4 – Summary sent to PBC EC of what 7020/7022 is requesting. In 2002, owners built a pontoon in a quay line which restricted pontoons being built. In 2023 the current owners applied to repair the old pontoon and was informed the current pontoon is not compliant and in fact should not have been built. More information is needed before a decision is made.

8. General Business

8.1 PBC EGM Motions – March 2024

- Action plan for exit interview for Senior Management when leaving the company. Not a PBC matter – SCCSL matter.
- Storm report/appraisal
- PBC EC agenda for March – Information around Brogan’s role with PBC

9. Next Meeting – Thursday 7th March 2024

10. Closure of Meeting

MEETING CLOSED @ 10:11am

Chairperson: 