



*Sanctuary Cove resort Act 1985
Section 27
Buildings Units and Group Titles Act 1980
Building Units and Group Titles Regulations 1998*

NOTICE OF THE EXTRAORDINARY GENERAL MEETING OF THE SANCTUARY COVE PRINCIPAL BODY CORPORATE GTP 202

**Notice of business to be dealt with at the
EXTRAORDINARY GENERAL MEETING of the Sanctuary
Cove Principal Body Corporate GTP 202, to be held at
Meeting Room 1, Sanctuary Cove Body Corporate Services,
Shop 1A, Marine Village, Masthead Way,
Sanctuary Cove, QLD 4212, on
Thursday 26th October 2023, 11:00AM**

A proxy form and a voting paper have been included to give you the opportunity to be represented at the meeting. Please read the attached General Instructions, to ensure that all documents are completed correctly as failure to do so may jeopardise your entitlement to vote.

INDEX OF DOCUMENTS

- 1. NOTICE AND AGENDA OF MEETING**
- 2. INSTRUCTIONS FOR VOTING**
- 3. PROXY FORM**
- 4. VOTING [MOTIONS FROM AGENDA]**

The following agenda sets out the substance of the motions to be considered at the meeting. The full text of each motion is set out in the accompanying Voting Paper. An explanatory note by the owner proposing a motion may accompany the agenda.

Please take the time to complete and return the voting paper to the reply address below or submit a valid proxy to the PBC Secretary prior to the meeting.

Sanctuary Cove Body Corporate Services Pty Ltd, for the Secretary

Reply To PO Box 15, SANCTUARY COVE QLD, 4212
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Sanctuary Cove Resort Act 1985

Section 27

Building Units and Group Titles Act 1980

Building Units and Group Titles Regulations 1998

NOTICE OF THE EXTRAORDINARY GENERAL MEETING OF THE Sanctuary Cove Principal Body Corporate GTP 202

**Notice of business to be dealt with at the
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Cove Principal Body Corporate GTP 202, to be held at
Meeting Room 1, Sanctuary Cove Body Corporate Services,
Shop 1A, Marine Village, Masthead Way,
Sanctuary Cove, QLD 4212, on
Thursday 26th October 2023, 11:00AM**

To avoid delaying commencement of the meeting, it would be appreciated if proxies and voting papers could be received by this office at least 24 hours prior to the meeting. However, proxies and voting papers will be accepted prior to the commencement of the meeting.

AGENDA

1. Attendance record including admittance of proxies and voting papers
2. Quorum
3. Financial status of RBC's
4. Recording of the meeting
5. Motions
 1. Approval of PBC EGM Minutes 28th September 2023

Pg 5

6. Correspondence for Information

Pg 20

For noting of the PBC and the PBC EC

No	Date	From	To	Regarding
1	19 September 2023	MN for Banksia Lakes	PBC Secretary	Formal correspondence that MN for Banksia Lakes Dr Greg Herring has resigned effective 1 st October 2023 Pg 21
2	22 September 2023	Grace Lawyers	Mahoneys Lawyers	Formal advice regarding 4638 The Parkway Pg 22
3	25 September 2023	PBC Chairperson	John Venn	Formal letter of appreciation Pg 25
4	28 September 2023	Grace Lawyers	Gall Standfield & Smith	Formal advice regarding Livingstonia Florida Room Enclosures Pg 26
5	28 September 2023	PBC Chairperson	Alan Lock	Formal letter of appreciation Pg 27
6	28 September 2023	PBC Secretary	Roystonia Resident	Formal correspondence regarding Environmental Issues Pg 28
7	28 September 2023	PBC Secretary	Zieria Resident	Formal correspondence regarding PBC decision with irrigation conduit Pg 29
8	28 September 2023	PBC Secretary	Schotia Island Resident	Formal correspondence regarding PBC decision with 2 tree removals Pg 30
9	1 October 2023	BCMs	PBC Secretary	Formal advice to the PBC – Appointment of Member Nominee – Banksia Lakes Pg 31
10	4 October 2023	BCCM	Bauhinia	Formal correspondence from BCCM, appeal for final orders Pg 32
11	4 October 2023	Plumeria Resident	PBC Secretary	Formal correspondence from 7130 regarding Melaleuca Trees Pg 43
12	9 October 2023	BCCM	PBC Secretary	Extension for 0252-2023 Waller application Pg 44
13	13 October 2023	Resident from Livingstonia	PBC Secretary	Formal correspondence from 5031 regarding Florida Enclosure information Pg 45

For noting of the PBC and the PBC EC

No	Date	From	To	Regarding
1	5 October 2023	Zieria Resident	PBC Secretary	Formal correspondence from resident in 1862 requesting a relaxation in carparking overnight. Pg 48
2	5 October 2023	Schotia Island Resident	PBC Secretary	Formal Correspondence from Resident's 2026 & 2024 regarding removal of bamboo screening Pg 50
3	7 October 2023	Corymbia Resident	PBC Secretary	Formal correspondence from 1825 regarding crusher dust issue. Pg 61
4	10 October 2023	Bauhinia Resident	PBC Secretary	Formal correspondence from 4634 regarding flagpole & Cameras at 4636 to be removed Pg 63
5	13 October 2023	Bauhinia Resident	PBC Secretary	Formal correspondence from 4636 regarding amendment to September PBC EGM minutes Pg 65

7. Business Arising

7.1 Asset Improvement Programme Update

7.2 Village update from MSCD

7.3 PBC Motions – November 2023

7.4 Next meeting to be held 30th November 2023 @ 11:00am.

8. Closure of Meeting



MINUTES OF PBC EXTRAORDINARY GENERAL MEETING for Sanctuary Cove Principal Body Corporate GTP 202

Location of meeting: Meeting Room 1, Body Corporate Services Office
Masthead Way, Sanctuary Cove QLD 4212

Date and time of meeting: Thursday 28th September 2023

Meeting time: 11:00AM – 11:55AM

Chairperson: Chairperson – Stuart Shakespeare

ATTENDANCE

The following members were Present in Person at the meeting:

Lot: Alpinia GTP 107209 Owner: Alpinia GTP 107209 Rep: Mrs Dianne Taylor
Lot: Araucaria GTP 1790 Owner: Araucaria GTP 1790 Rep: Mrs Caroline Tolmie
Lot: Alyxia GTP 107456 Owner: Alyxia GTP 107456 Rep: Mr Stephen Anderson
Lot: Alphonitonia GTP 107509 Owner: Alphonitonia GTP 107509 Rep: Mr Stephen Anderson
Lot: Justicia GTP 107472 Owner: Justicia GTP 107472 Rep: Mr Stephen Anderson
Lot: Banksia Lakes GTP 107278 Owner: Banksia Lakes GTP 107278 Rep: Dr Greg Herring
Lot: Caladenia GTP 107399 Owner: Caladenia GTP 107399 Rep: Mr Tony McGinty
Lot: Cassia GTP 1702 Owner: Cassia GTP 1702 Rep: Mr Peter Cohen
Lot: Colvillia GTP 2504 Owner: Colvillia GTP 2504 Rep: Mr Robert Nolan
Lot: Corymbia GTP 107406 Owner: Corymbia GTP 107406 Rep: Mrs Shawlene Nefdt
Lot: Felicia GTP 107128 Owner: Felicia GTP 107128 Rep: Mr Stuart Shakespeare
Lot: Livingstonia GTP 1712 Owner: Livingstonia GTP 1712 Rep: Mr Brian Earp
Lot: Plumeria GTP 2207 Owner: Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut
Lot: Roystonia GTP 1769 Owner: Roystonia GTP 1769 Rep: Mrs Cheryl McBride
Lot: Schotia Island GTP 107106 Owner: Schotia Island GTP 107106 Rep: Mr Wayne Bastion
Lot: Tristania GTP 107217 Owner: Tristania GTP 107217 Rep: Mr Mark Winfield
Lot: 20 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Stephen Anderson
Lot: 81 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Stephen Anderson
Lot: 83 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Mr Mick McDonald

The following members present by Voting Paper and In Person:

Lot: Plumeria GTP 2207 Owner: Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut
Lot: Roystonia GTP 1769 Owner: Roystonia GTP 1769 Rep: Mrs Cheryl McBride
Lot: 83 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Mr Mick McDonald

The following members present by Voting Paper:

Lot: Acacia GTP 107053 Owner: Acacia GTP 107053 Rep: Mr Michael Longes
Lot: Harpullia GTP 107045 Owner: Harpullia GTP 107045 Rep: Mr Paul Kernaghan
Lot: Adelia GTP 107360 Owner: Adelia GTP 107360 Rep: Mr Gary Simmons
Lot: Bauhinia GTP 1701 Owner: Bauhinia GTP 1701 Rep: Mr Richard Sherman
Lot: Washingtonia GTP 1703 Owner: Washingtonia GTP 1703 Rep: Mr Tony Ellingford
Lot: Araucaria GTP 1790 Owner: Araucaria GTP 1790 Rep: Mrs Caroline Tolmie

The following members were present by Proxy:

The following members were present by Proxy however unable to vote:

Present by Invitation:

Mr Dale St George, PBC Secretary
Ms Jodie Cornish, Manager Body Corporate, SCBCS (Minute Taker)
Mr Barry Teeling MSCD representative
Mr Andrew Brown invited by MN for Banksia Lakes

Apologies:

Mrs Jane Burke
Mr Michael Longes
Mr Paul Kernaghan
Mr Gary Simmons
Mr Richard Sherman
Mr Tony Ellingford
Mrs Caroline Tolmie
Mr Nabil Issa
Mr Peter Game
Mr Gary Peat

The following members were not financial for the meeting: **Nil.**

A quorum was present.

The Meeting was recorded.

Motions

1	Body Corporate - Approval of Previous General Meeting Minutes – 31st August 2023 (Agenda Item 5.1)	CARRIED
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Proposed by: Statutory Motion

RESOLVED That the Minutes of the PBC Extraordinary General Meeting held on 31 st August 2023 be accepted as a true and correct record of the proceedings of the meeting.	Yes	20
	No	0
	Abstain	4

Members Name	Yes	No	Abstain	Members Name	Yes	No	Abstain
Acacia			X	Fuschia			
Adelia	X			Justicia	X		
Alpinia	X			Harpullia	X		
Alyxia	X			Livingstonia			X
Alphitonia	X			Molinia			
Araucaria			X	Plumeria	X		
Ardisia				Roystonia	X		
Banksia Lakes	X			Schotia Island	X		
Bauhinia	X			Tristania	X		
Caladenia	X			Washingtonia	X		
Cassia	X			Woodsia			
Colvillia	X			Zieria			
Corymbia	X			MSCD Lot 20 (S)	X		
Darwinia				MSCD Lot 81 (S)	X		
Felicia	X			MSCD Lot 83 (M)			X

2 Facilities – Approval of Kerbs & gutter expenditure (Agenda Item 5.2) CARRIED

Proposed by: PBC Chairperson

RESOLVED that the PBC agrees to expend \$766,438.20 (Inc. GST) from the PBC Sinking Fund – Roadways – Kerbs & Gutters – 22320, along with a contingency provision of \$38,321.90 (Inc. GST), for the purpose of engaging the services of Smartstone Group. This engagement aims to facilitate the replacement of approximately 3036 lineal meters of kerbing, with each lineal meter priced at \$252.45 (Inc. GST). Works are to be completed within the 2023-2024 financial year.

Yes	24
No	0
Abstain	0

Members Name	Yes	No	Abstain	Members Name	Yes	No	Abstain
Acacia	X			Fuschia			
Adelia	X			Justicia	X		
Alpinia	X			Harpullia	X		
Alyxia	X			Livingstonia	X		
Alphitonia	X			Molinia			
Araucaria	X			Plumeria	X		
Ardisia				Roystonia	X		
Banksia Lakes	X			Schotia Island	X		
Bauhinia	X			Tristania	X		
Caladenia	X			Washingtonia	X		
Cassia	X			Woodsia			
Colvillia	X			Zieria			
Corymbia	X			MSCD Lot 20 (S)	X		
Darwinia				MSCD Lot 81 (S)	X		
Felicia	X			MSCD Lot 83 (M)	X		

Proposed by: PBC Chairperson

RESOLVED The PBC agrees and approves that the Irrigation maintenance contract be taken in-house under the control and direction of Sanctuary Cove Community Services Limited (SCCSL) and the company will then on-charge the total expense to the PBC.

NOTE:

- *The Chair (SS) read out –
On behalf of Felicia, I will be abstaining on this motion.
Although we agree in principle with making changes that bring cost benefits to the PBC, we need more time to find out and understand the contractual and organisational aspects of the proposed changes.
The current irrigation contract is between a specialist company (as the primary provider) and the PBC and the PTBC. Including the associated schedules this contract comprises of approximately 90 pages.
Under this contractual arrangement, SCCSL has the role of establishing and administering this contract on behalf of the PBC and the PTBC. This accords with the overarching intent of A&M body corporate agreement between the PBC and SCCSL.
In the proposed arrangement it appears that SCCSL will employ the relevant special personnel and then adopt the position of the primary provider of the irrigation services to the PBC. With this arrangement, consideration should be given to the establishing of a contract similar to the current existing contract, because the current A&M body corporate agreement lacks the specific content that currently protects the PBC interests.*
- *MN for MSCD (SA) enquired if the Chair was asking for the same contract? The Chair (SS) confirmed yes it should be a similar contract arrangement.*
- *MN for Cassia (PC) mentioned when going through the documentation that the proposal is detailed, but not clear on the process of analysis by the CSC. There is no one from the CSC present at this meeting to address present the CSC’s analysis or to take questions. It seems unusual that a proposal goes through a committee process, but there’s no mention in the supporting document that the committee has formally considered and recommended the supporting document and the motion for approval by the PBC.*
- *The Chair (SS) mentioned the committees are there to communicate back to the PBC, especially with these matters. The Chairpersons need to discuss with their committees and be more aware of this role.*
- *MN for Roystonia (CM) mentioned that the committee for Roystonia will be voting against this motion for the time being, there wasn’t sufficient time for the committee to look at this contract closely. The contractor is generally responsible for the insurance and the quality of work. Roystonia would like to see more around the due diligence, who is going to supervise and who is responsible for training? The contract states 24/7 coverage but what will happen when someone leaves the role or is away. More information needs to be included. Roystonia is not saying it is a bad motion, however it not sufficiently detailed at this stage.*

Yes	18
No	3
Abstain	3

- *The Chair (SS) mentioned there are some unanswered questions. A contract with a primary provider normally encompasses a full scope of services and conditions. This seems lacking in this this proposal.*
- *MN for Tristania (MW) stated that CSC is responsible to attain all the details related to the contract when recommending. The Chair stated that the PBC should not simply 'rubber stamp' recommendations from its committees. He mentioned the PBC members should apply some diligence to the review of the recommendations presented to them.*
- *MN for Roystonia (CM) enquired if it was worth delaying the decision by a month to gain the additional information. The Chair mentioned the motion has been put up, therefore it needs to be voted on or he can withdraw it, but this was not his intention.*
- *MN for MSCD (MM) mentioned the motion should be voted on and if any members have any questions, then they can submit them in writing for consideration and a response.*

Members Name	Yes	No	Abstain	Members Name	Yes	No	Abstain
Acacia	X			Fuschia			
Adelia	X			Justicia	X		
Alpinia	X			Harpullia		X	
Alyxia	X			Livingstonia	X		
Alphitonia	X			Molinia			
Araucaria	X			Plumeria	X		
Ardisia				Roystonia		X	
Banksia Lakes	X			Schotia Island	X		
Bauhinia			X	Tristania	X		
Caladenia	X			Washingtonia	X		
Cassia			X	Woodsia			
Colvillia	X			Zieria			
Corymbia		X		MSCD Lot 20 (S)	X		
Darwinia				MSCD Lot 81 (S)	X		
Felicia			X	MSCD Lot 83 (M)	X		

4	Facilities – Road Sweeping Maintenance – Contract Extension (Agenda Item 5.4)	CARRIED
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Proposed by: PBC Chairperson

RESOLVED the PBC EGM, on the basis that due and proper process has been undertaken, recommends the PBC approves the extension of the current term of the Road Sweeping works contract held by Specialised Pavement Services for a period of one (1) year, noting all other terms and conditions of the contract are to remain unchanged.

Yes	23
No	1
Abstain	0

FURTHER RESOLVED the PBC EGM, approves the increase in the fixed price Contract Sum, effective from November 1, 2023, in accordance with current inflationary pressures. The revised contract price will be adjusted from \$64,980.63 inc. GST to \$77,781.81 Inc. GST for the PBC.

Members Name	Yes	No	Abstain	Members Name	Yes	No	Abstain
Acacia		X		Fuschia			
Adelia	X			Justicia	X		
Alpinia	X			Harpullia	X		
Alyxia	X			Livingstonia	X		
Alphitonia	X			Molinia			
Araucaria	X			Plumeria	X		
Ardisia				Roystonia	X		
Banksia Lakes	X			Schotia Island	X		
Bauhinia	X			Tristania	X		
Caladenia	X			Washingtonia	X		
Cassia	X			Woodsia			
Colvillia	X			Zieria			
Corymbia	X			MSCD Lot 20 (S)	X		
Darwinia				MSCD Lot 81 (S)	X		
Felicia	X			MSCD Lot 83 (M)	X		

5	Body Corporate – PBC EGM agenda booklets and Meeting Notices distribution Policy (Agenda Item 5.5)	CARRIED
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Proposed by: PBC Chairperson

RESOLVED that in relation to the distribution of PBC EGM documentation that a policy be created with the following wording:

Body Corporate Services (BCS) is required to:

- a. Email the Agenda for a forthcoming PBC general meeting and the draft minutes of the previous PBC general meeting to all lot owners fourteen (14) days prior to the EGM; and
- b. Email the full meeting papers (the Meeting Book) for a forthcoming EGM to each RBC members nominee, chairperson, and committee member seven (7) days prior to the EGM.

Yes	24
No	0
Abstain	0

NOTE:

- *DSG advised the 14 days’ timeframe is tight and limits the information for the agenda items. The Chair suggested voting on the motion as is, then make an amendment.*
- *MN for Banksia Lakes (GH) suggested a run down to members who don’t understand the difference between the term’s agenda minutes and meeting book.*
- *The Chair (SS) mentioned the agenda is essentially the proposed items for consideration at a forthcoming PBC general. Accompanying the agenda would be the minutes of the previous meeting. The Meeting Book comprises of the agenda, minutes of the previous meeting, the motions and all the supporting documents on the agenda of the forthcoming general meeting. The provision of the meeting book to each of the committee members ensures they are fully informed and can be involved in the decision making and the advice to their MNs on voting at the forthcoming meeting.*

Members Name	Yes	No	Abstain	Members Name	Yes	No	Abstain
Acacia	X			Fuschia			
Adelia	X			Justicia	X		
Alpinia	X			Harpullia	X		
Alyxia	X			Livingstonia	X		
Alphitonia	X			Molinia			
Araucaria	X			Plumeria	X		
Ardisia				Roystonia	X		
Banksia Lakes	X			Schotia Island	X		
Bauhinia	X			Tristania	X		
Caladenia	X			Washingtonia	X		
Cassia	X			Woodsia			
Colvillia	X			Zieria			
Corymbia	X			MSCD Lot 20 (S)	X		
Darwinia				MSCD Lot 81 (S)	X		
Felicia	X			MSCD Lot 83 (M)	X		

6. Correspondence for Information:

Letter regarding tree removals in Roystonia –

- a. The MN for Colvillia mentioned he was concerned about the tone in the correspondence as it appears very accusative. He stated in the correspondence, Andrew had mentioned there had been no committee discussion, which is untrue. Colvillia has a good relationship with Shanyn Fox (Facilities Manager) and she is very informative. In Bay Hill Terrace the tree in question was classified as dangerous and could potentially fall as it was not healthy. The information relating to North Gate landscaping, there has been good feedback from residents and Shanyn discussed the process with our committee prior.
 - i. The MN for Roystonia mentioned this type of letter is quite common from this source. The residents of Roystonia are supportive of Colvillia's position.
- b. DSG will send formal response to Andrew Rankine.

6. Correspondence for Action:

1861 Oak Hill Drive – Conduit under driveway request –

- a. The Chair with DSG's concurrence, mentioned the owner could run his irrigation pipe through the conduit. The conduit is big enough to accommodate the PBC irrigation as well if needed.
- b. DSG will send formal response.

2029 Request to remove 2 trees –

- a. The Chair mentioned this is a standard approved street tree through Sanctuary Cove. Manager of Body Corporate (MBC) to advise owner as both trees in question are situated on secondary thoroughfare and they are to remain. Facilities will investigate exposed root treatment and possible mulching around tree base.
- b. DSG will send formal response.

Biodiversity Plan for Corellas –

- a. The MN for Cassia mentioned the committee wanted this raised as it still appears to be an issue within Cassia. The noise and mess from these birds is the main concern. He wanted to make sure the needs and wants of the residents are taken into consideration. The Chair advised the contract with the contractor, Biodiversity, for animal management has been let for the forthcoming year but the Corella management component is on hold pending a meeting with Biodiversity, BCS, Golf, Cassia, Felicia and possibly other representatives to agree on the best way forward to mitigate and manage the nuisance these birds are causing.

7. Business Arising –

The Chair opened the meeting with a written statement regarding Dr Greg Herring retirement as follows -

After almost two decades on the PBC, Dr Greg Herring has notified his intention to retire from body corporate representation effective from 1st October 2023.

Greg's contribution to the well-being of the Sanctuary Cove community over his considerable period of involvement is enormous. His endurance over the period he's served is remarkable given the time we volunteer in this role in what is at times a robust and challenging body corporate environment.

On behalf of the PBC, I convey our thanks to Greg for his considerable contribution.

Greg has asked to say a few words after I close the meeting today.

- a. MN for Caladenia enquired whether the Sherman's were taking their application to the magistrate's court, if so, is it his RBC taking the PBC to court?
 - I. DSG mentioned Bauhinia Body Corporate voted to sign the Administration and Management Agreement of Sanctuary Cove, however the Sherman's disagreed against it and challenged it. The Referee has rejected the application on 3 occasions, hence why they have submitted the application to the magistrate's court. It has cost the company approximately \$26,000 to date to fight it. The Sherman's are suing their own body corporate and SCCSL to undo the management agreement. So potentially there is another \$10,000 - \$15,000 in legal fees coming, this will add to the approximately \$200,000 the Shermans have cost the company so far.
 - II. The MN for Alpinia (DT) mentioned she is part of Bauhinia, and she believes residents are not aware that they are paying to defend the Sherman's. She added that she asked Richard Sherman and he advised he is personally paying to defend the case.
 - III. The Chair mentioned the legal expenditure this year allocated was \$70,000, however for next year it has almost doubled. In the last year alone, we have spent around 35% of the budget on the Buttners/Leslie matter, and it appears to still be continuing. Unfortunately, the PBC is dragged into this unwilling to respond. Every effort is made to mitigate the level of legal expenditure by trying to work with both parties to resolve their differences. The Chair also mentioned that another 29% of the legal budget was spent on the Stage 1 DCBL's, review of the final document. The advice received was difficult to follow and seemed of little use. A letter was sent to the law firm expressing this view.

- IV. The Chair mentioned that there are false rumours circulating around the community that an excessive amount of money is being spent on the PBCs opposition to the rezoning of Lots 52 and 54. The Chair pointed out that only 6.7% of the current years legal budget had been spent and this matter and this expenditure related to the need for legal advice and a response to a number of legal letters sent to the PBC from the PTBC and Mulpha and that the end of the PBC FY is not far off. There was an initial expenditure of substance around April/May last year when the rezoning was announced, but since then there had been very little further expenditure.

7.1 Asset Improvement Programme Update - DSG advised nothing from the PBC.

7.2 Village and other updates from MSCD.

- a. The Chair mentioned Barry Teeling (BT) from MSCD will be conducting a presentation in October 2023 to the PBC first then to the public soon after.
- b. The Chair invited BT to say a few words on this.
- c. BT mentioned that there appears to be more work needed than first thought. Amanda (AS) is the new appointed Community Engagement for Mulpha, AS's will be working on bringing all the stakeholders together to be 'on the same page'. There is a 3–5-year vision for Sanctuary Cove, which includes upgrading the village, more food and beverage options. Mulpha are looking at engaging a landscaping designer for ideas. Mulpha wants to bring the community along on that journey. Mulpha understand the food and beverage needs improving from recent feedback and are listening, but it will take some time to get there. It is not an easy fix, with the existing leases. Some patience is needed.
- d. MN for Cassia (PC) enquired as to where the entry road will be for Harbour One access as it doesn't appear to be clear. Barry mentioned it would be via a road off the existing roundabout in front of the IGA and along the side of Jabiru House in the current carpark. This new access road will be upgraded with landscaping. BT offered for anyone to call into the sales office to see the model of what it will look like.
 - I. MN for Tristania (MW) mentioned this will increase the traffic flow at the roundabout and asked what Mulpha's plans are for more carparking now that Harbour One has taken a large portion of it? BT stated this is part of the bigger picture that is up for discussion, there was consideration for a multi-deck carpark, however it hasn't been resolved yet. The Chair expressed the view that adequate parking is vital if the intent is to continue to attract outside patronage of the village offerings.
 - II. MN for Tristania (MW) enquired whether the land along the access road to the village gate and overlooking the golf is to have more housing? BT confirmed this to be correct.
- e. BT explained Mulpha are trying to focus on the essentials first for the community, i.e., butchers, better food, and beverage choices, however it is a delicate balance. The Chair mentioned there seemed to be a drop off in food quality in some of the restaurant's BT agreed and explained retail also needs improving as it is the beating heart of the community.
- f. BT mentioned the development of residential units on Lot 52 is the only intended residential development in the next few years.

7.3 PBC Motions – October 2023

MN for Banksia Lakes (GH) requested a motion for contracts such as inhouse irrigation to be distributed earlier to allow time for committees to look over.

7.4 Next meeting to be held 26 October 2023 @ 11:00.

MEETING CLOSED @ 11:55am

Chairperson:

GENERAL INSTRUCTIONS

EXTRAORDINARY GENERAL MEETING NOTICE

INTERPRETATIONS

Section 39 of the *Sanctuary Cove Resort Act 1985* sets out the following interpretations for:

VOTING RIGHTS Any powers of voting conferred by or under this part may be exercised:

- (a) in the case of a proprietor who is an infant-by the proprietor's guardian;
- (b) in the case of a proprietor who is for any reason unable to control the proprietor's property
by the person who for the time being is authorised by law to control that property;
- (c) in the case of a proprietor which is a body corporate-by the person nominated pursuant to section 38 by that body corporate.

Part 3, Section 22 of the *Sanctuary Cove Resort Act 1985*, sets out the following interpretation for:

SPECIAL RESOLUTION

'Special Resolution' means a resolution, which is:

- (a) passed at a duly convened general meeting of the principal body corporate by the members whose lots (whether initial lots, secondary lots, group title lots or building unit lots) have an aggregate lot entitlement of not less than 75% of the aggregate of all lot entitlements recorded in the principal body corporate roll.

Part 3, Division 2B, 47D of the *Sanctuary Cove Resort Act 1985*, sets out the following for proxies for General meetings of the Principal Body Corporate:

APPOINTMENT OF PROXY

- (a) must be in approved form; and
- (b) must be in the English language; and
- (c) cannot be irrevocable; and
- (d) cannot be transferred by the holder of the proxy to a third person; and
- (e) lapses at the end of the principal body corporate's financial year or at the end of a shorter period stated in the proxy; and
- (f) may be given by any person who has the right to vote at a general meeting; and
- (g) subject to the limitations contained in this division, may be given to any individual; and
- (h) must appoint a named individual.

Proxy form for Body Corporate meetings

Building Units and Group Titles Act 1980

Section 1 – Body corporate secretary details

Name: The Secretary
Address of scheme: C/- Sanctuary Cove Principal Body Corporate, PO Box 15,
SANCTUARY COVE, 4212

Section 2 – Authorisation

Notes: The Regulations set out a number of restrictions on the use of proxies, including an ability for the body corporate to further restrict their use including prohibition. If there is insufficient space, please attach separate sheets.

I/we

Name of owner 1:

Signature: **Dated:** ___ / ___ / ___

Name of owner 2:

Signature: **Dated:** ___ / ___ / ___

being the Proprietor/s of the following Lot/s

Lot number/s: **Plan number:**

Name of Body Corporate:

.....

hereby appoint,

Proxy (full name):

as my/our proxy to vote on my/our behalf (*including adjournments*) at (please tick **one**)

The body corporate meeting to be held on ___ / ___ / ___

All body corporate meetings held before ___ / ___ / ___ (*expiry date*)

All body corporate meetings held during the rest of the body corporate's financial year unless I/we serve you with a prior written withdrawal of the appointment.

unless I/we serve you with a prior written withdrawal of the appointment of Proxy.

Signature of proxy holder: **Dated:** ___ / ___ / ___

Residential address:

Suburb: **State:** **Postcode:**

Postal address:

Suburb: **State:** **Postcode:**

Information about Proxies

This page is for information only and not part of the prescribed form.

Lot Owners can appoint a trusted person as their representative at meetings, to vote in ballots or represent them on the committee. This person is your proxy.

To authorise a proxy, you must use the prescribed form and deliver it to the owner's corporation secretary. If appointing a Power of Attorney as a proxy, you should attach a copy of the Power of Attorney.

Proxies automatically lapse 12 months after the form is delivered to the secretary, unless an earlier date is specified.

Proxies must act honestly and in good faith and exercise due care and diligence. Proxies cannot transfer the proxy to another person.

A Lot Owner can revoke the authorisation at any time and choose to vote on a certain issue or attend a meeting.

It is illegal for someone to coerce a Lot Owner into making another person their proxy.

Owners' corporations must keep the copy of the Proxy authorisation for 12 months.

VOTING PAPER

Extraordinary General Meeting for the Sanctuary Cove Principal Body Corporate GTP 202

Location of meeting: Meeting Room 1, Sanctuary Cove Body Corporate Services,
Shop 1A, Marine Village, Masthead Way, Sanctuary Cove, QLD 4212
Date and time of meeting: Thursday 26th October 2023 – 11:00AM

Instructions

If you want to vote using this voting paper, then **circle or tick** either **YES, NO** or **ABSTAIN** opposite each motion you wish to vote on. You may vote for as few or as many motions as you wish. It is not necessary to vote on all motions.

After signing the completed voting paper, forward it promptly to the Secretary at the address shown at the end of the agenda.

Motions

1 Body Corporate - Approval of Previous General Meeting Minutes – 28th September 2023 (Agenda Item 5.1)

Proposed by: Statutory Motion

RESOLVED That the Minutes of the PBC Extraordinary General Meeting held on 28th September 2023 be accepted as a true and correct record of the proceedings of the meeting.

Yes	
No	
Abstain	

GTP: 202 **Lot Number:** _____ **Unit Number:** _____

I/We require that this voting paper, completed by me/us be recorded as my/our vote in respect of the motions set out above.

Name of voter: _____

Signature of voter: _____ **Date:** _____

**CORRESPONDENCE
FOR INFORMATION**

ITEM 1

From: gherring

Sent: Tuesday, September 19, 2023 12:49 PM

To: Dale StGeorge

Cc: Brian Earp; Derek Glinka

Greg Herring; Paul Kernaghan; petercohen3; Anthony Ellingford

Subject: Members Nominee Banksia Lakes

Mr Dale StGeorge

Secretary PBC

The Banksia Lakes RBC Members Nominee, Dr Greg Herring has indicated that he wishes to retire with effect 1st October 2023.

The RBC Committee has held a VOC and has elected to replace Dr Herring with Mr Andrew Brown with effect 1st October.

Dr Herring is currently a member of the PBC Executive Committee. In accordance with SCRA Section 42.2(i), he will become ineligible to hold that position from the same date.

I will remain the RBC Chair for the time being. Yours sincerely

Greg Herring

Chair, Banksia Lakes RBC



22 September 2023

Attention: Francesca Barnes
Mahoneys
Level 18, 167 Eagle Street
Brisbane QLD 4000

Email:

Dear Colleagues

**SANCTUARY COVE PRINCIPAL BODY CORPORATE - 4638
THE PARKWAY**

Our Ref: 230479
Your Ref: MAH-Matters.FID213438

We are instructed to write to you in relation to building and development issues that have arisen with your clients' residence at 4638 The Parkway.

1. Guest bedroom side window

Your clients' residence was constructed with a window in the guest bedroom on the western side. This window was not included on the approved building plans. The window overlooks, and adversely affects the amenity of, the neighbouring residence.

Your client proposes to install slats over this window to protect the privacy of the neighbouring residence by avoiding overlooking. That would still result in noncompliance with the approval and the development control-by-laws.

Pursuant to Development Control By-law (**DCBL**) 2.18.1 and section 96 of the *Sanctuary Cove Resort Act 1985 (Qld)* (**SCRA**), the residential body corporate of the plan which contains your clients' lot must:

- (a) consent to and make the request for the Principal Body Corporate (**PBC**) to permit this non-compliance and installation of the privacy slats on the exterior of the residence;
- (b) demonstrate why the noncompliance is minor in the circumstances.

Unless the residential body corporate makes that request within 21 days, the PBC expects your clients to make alterations to remove the window to ensure compliance with the approved plans and the DCBLs.

Know. Act. Resolve

Partners

Colin Grace
Daniel Radman
Peter Ton
Jason Carlson
Jessica Bates
Jessica Cannon
Brenton Schoch

New South Wales

Level 12, 160 Sussex Street
Sydney NSW 2000
PO Box Q112
QVB NSW 1230

PH 02 9284 2700

Victoria

Level 23, HWT Tower, 40 City Road
Southbank VIC 3006

PH 03 9674 0474

Brisbane

Level 9, 179 North Quay
Brisbane QLD 4000
PO Box 12962
George Street QLD 4003

PH 07 3102 4120

Gold Coast

Level 3, Suite 1D
Emerald Lakes Town Centre Commercial
3027 The Boulevard
Carrara QLD 4211
PO Box 12962
George Street QLD 4003

PH 07 5554 8560

Australian Capital Territory

Level 9, Nishi Building
2 Phillip Law Street
Canberra ACT 2601

PH 02 6243 3652

Western Australia

Level 28, AMP Tower
40 Georges Terrace
Perth WA 6000

PH 08 9288 1870

EM enquiries@gracelawyers.com.au

W www.gracelawyers.com.au

ABN 55 116 196 500



2. Bullnose awning material

The PBC considers that compliance with the approved plans will be achieved on the basis that the:

- (a) metal sheeting is pre-formed to match the curvature of the original awning;
- (b) profile of the metal sheeting matches that of the Zinalume sheeting of the original awning;;
- (c) bullnose sheeting and framework are painted in the colour 'Seamist' to match the original awning;
- (d) whole bullnose assembly closely resembles the appearance of the original awning.

3. Moored vessel

The PBC is concerned that the pontoon cannot accommodate the load of a vessel of the size presently being moored by your clients.

The plans approved by the PBC on 26 September 2022 recorded the size of moored vessels being a maximum length of 12 metres. We are instructed that your client's moored vessels is about 20 metres in length.

It was the PBC's expectation that your client would procure a report from an engineer on the load tolerances of the pontoon, particularly whether it can accommodate the much larger vessel. That has not occurred. Please provide a report forthwith.

Moreover, the moored vessel is encroaching beyond the quay line of your clients' lot, which is not permitted.

4. CCTV camera - residence

The unauthorised installation of a CCTV camera on your clients' residence amounts to a contravention of Residential Zone Activity By-law (**RZABL**) 4.10.

If your clients intended to apply for retrospective approval (which they still have not done), it is the PBC's expectation that technical data and viewpoints of the camera would be provided. This has not occurred.

The placement of the camera in a position which could overlook a neighbouring residence is not reasonably required for the security of your clients' residence. Accordingly, we are instructed that even if your clients did make an application for retrospective approval for the cameras in their current location, such retrospective approval would not be given.

The CCTV camera is to be removed within 21 days, failing which enforcement action may be taken.

If your clients wish to re-position the camera in an alternate location, then please specify the location and apply for approval.



5. CCTV camera – vessel

If your clients intended to apply for retrospective approval (which they still have not done), it is the PBC's expectation that technical data and viewpoints of the camera would be provided. This has not occurred.

The placement of the camera in a position which overlooks a neighbouring residence is not reasonably required for the security of your clients' vessel. Accordingly, we are instructed that even if your clients did make an application for retrospective approval for the cameras in their current location on the vessel, such retrospective approval would not be given.

The CCTV camera is to be removed within 21 days, failing which enforcement action may be taken.

If your clients wish to re-position the camera in an alternate location, then please specify the location and apply for approval.

6. Path levels

The PBC confirms receipt of the as-built plan. We are instructed that Mr Leslie maintains the ground level along the fence line is higher than what previously existed. Please provide the information that was used to determine the height and profile of the existing ground line shown in the as-built plan.

Yours sincerely
Grace Lawyers Pty Ltd

A handwritten signature in black ink, appearing to be 'Jason Carlson', written over a horizontal line.

Contact: Jason Carlson, Partner
Email:
Phone:

ITEM 3



25 September 2023

Dear John,

On behalf of the Principal Body Corporate, I would like to thank you for your report on the RFI response to the rezoning applications.

Your contribution to the wellbeing of the Sanctuary Community is very much appreciated.

Kind Regards

A handwritten signature in black ink that reads "Stuart".

Stuart Shakespeare
Chairperson
Sanctuary Cove Principal Body Corporate



28 September 2023

Attention: Liam Reynolds
Gall Standfield & Smith
PO Box 259
Southport QLD 4215

Email:

Dear Colleagues

5133 ST ANDREWS TERRACE, SANCTUARY COVE (LOT 8, BUP 7946) – FLORIDA ROOM ENCLOSURE

Our Ref: 232224
Your Ref: LR:SW:232382

We act for the Sanctuary Cove Principal Body Corporate (**PBC**).

We have been provided with a copy of your letter dated 21 September 2023 but received by email on 25 September.

Your letter raises issue with communications the PBC sent on 14 and 22 August 2023.

The letter dated 14 August was sent by the PBC in co-operation with The Proprietors – Livingstonia GTP 1712 (**Livingstonia**), of which your client is a member. It represented a joint position of the PBC and Livingstonia held at the time.

The PBC has changed its position since this letter was issued.

Sanctuary Cove Body Corporate Services is the body corporate manager of the PBC and Livingstonia. It has forwarded a copy of your letter to the Livingstonia Committee.

We do not act for Livingstonia on this matter.

Yours sincerely
Grace Lawyers Pty Ltd

Contact: Jason Carlson, Partner
Email:
Phone:

Know. Act. Resolve

Partners

Colin Grace
Daniel Radman
Peter Ton
Jason Carlson
Jessica Bates
Jessica Cannon
Brenton Schoch

New South Wales

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Sydney NSW 2000
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Victoria

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George Street QLD 4003

PH 07 3102 4120

Gold Coast

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Emerald Lakes Town Centre Commercial
3027 The Boulevard
Carrara QLD 4211
PO Box 12962
George Street QLD 4003

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Canberra ACT 2601

PH 02 6243 3652

Western Australia

Level 28, AMP Tower
40 Georges Terrace
Perth WA 6000

PH 08 9288 1870

EM enquiries@gracelawyers.com.au

W www.gracelawyers.com.au

ABN 55 116 196 500

ITEM 5



28 September 2023

Dear Alan,

On behalf of the Principal Body Corporate, I would like to thank you for your tireless efforts in rewriting and finalising the Stage 1 Development Control By-Laws (DCBLs).

The community will undoubtedly benefit from your dedication once the DCBLs have been gazetted and approved by the Minister and will continue to do so into the future.

Kind Regards

A handwritten signature in black ink that reads "Stuart".

Stuart Shakespeare

Chairperson

Sanctuary Cove Principal Body Corporate

ITEM 6

From: [Dale StGeorge](#)
To: [Jodie Cornish](#)
Cc: [Sharyn Fox](#)
Subject: Correspondence to Andrew Rankine
Date: Thursday, 28 September 2023 1:43:43 PM
Attachments: [image001.png](#)

Dear Andrew,

The PBC discussed your concerns at the PBC Executive Committee and General meeting on the 28 September 2023.

Your report and enclosed photographs were discussed at length; however, most Members disputed your material and allegations. In fact, there was high praise for the Facilities Manager and her community consultation and involvement.

The PBC wishes to advise, that it considers due process has been followed and NO further action will be taken.

Kind Regards,

DALE ST GEORGE

Chief Executive Officer

Main 07 5500 3333 | enquiries@scove.com.au

Address PO Box 15 | Shop 1A, Building 1, Masthead Way Sanctuary Cove Q 4212

Web stratamax.com.au/Portal/login



SANCTUARY COVE COMMUNITY SERVICES LIMITED | SANCTUARY COVE BODY CORPORATE PTY LTD

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28 September 2023

Mr D & Mrs L Vogt
PO Box 1068
SANCTUARY COVE QLD 4212
Transmission via email:

Dear Derek,

RE: PBC IRRIGATION CONDUIT UNDER DRIVEWAY

The Principal Body Corporate Executive Committee (PBC EC) acknowledge receipt of your correspondence dated 21 August 2023, which was discussed at the PBC EC meeting held Monday, 25 September 2023.

I am pleased to advise that the PBC EC has agreed to the following:

- The irrigation currently installed by the Lot Owner may remain and continue to service the Secondary Thoroughfare at the above property; and
- If the property is sold, the owner must advise the prospective buyer of this approval.

ACKNOWLEDGEMENT

If you agree with the above conditions, please sign and return this document to our office.

Should you have any queries regarding the contents of this letter, please do not hesitate to contact our office directly.

For and on behalf of
Sanctuary Cove Principal Body Corporate

A handwritten signature in black ink, appearing to read "Dale St George".

Dale St George
Secretary
Sanctuary Cove Body Corporate Services Pty Ltd

.....
Applicant Name & Signature



28 September 2023

Mr Michael Scott
Transmission via email:

Dear Michael,

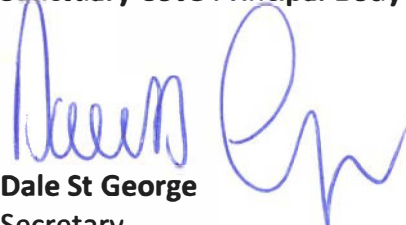
RE: APPLICATION FOR 2 TREE REMOVAL – 2029 THE CIRCLE, LOT 106 SCHOTIA ISLAND

We are writing to inform you of the of the decision regarding your recent request to remove two large trees located at the above property, situated on Secondary Thoroughfare, and which are approved trees to be planted within Sanctuary Cove.

After careful consideration and review, The Principal Body Corporate (PBC) has made the decision to deny your request to remove these trees. The decision is based on several factors, including the importance of maintaining the natural beauty and ecological balance of Sanctuary Cove, as well as the collective interest of the community.

Regarding the root concern raised in your email, we will converse with our Facilities team to investigate possible root treatment.

Regards,
For and on behalf of
Sanctuary Cove Principal Body Corporate


Dale St George
Secretary

BANKSIA LAKES BODY CORPORATE GTP 107278

A part of the Sanctuary Cove Resort Community



NOTICE OF BODY CORPORATE UNDER SECTION 24 SANCTUARY COVE RESORT ACT 1985 (AS AMENDED) AND BUILDING UNITS AND GROUP TITLES ACT 1980 (AS AMENDED)

TO: SANCTUARY COVE PRINCIPAL BODY CORPORATE
C/- Sanctuary Cove Body Corporate Services Pty Ltd
P O Box 15
Sanctuary Cove Qld 4212

FROM: BANKSIA LAKES GTP 107278

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the BANKSIA LAKES GTP 107278 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

The full name of the individual authorised as nominee of the body corporate is:

Mr Andrew Charlton Brown

Dated: 1 October 2023

THE COMMON SEAL OF
BANKSIA LAKES GTP 107278
was affixed in the presence of



David Calver (Secretary)

ITEM 10

BUILDING UNITS AND GROUP TITLES ACT 1980
(Section 106)

NOTICE OF HEARING OF APPEAL

To: The Body Corporate for Bauhinia
C/- Sanctuary Cove Body Corporate Services Pty Ltd
PO Box 15
SANCTUARY COVE QLD 4212

Email bauhinia@scove.com.au

RE: ORDER REF NO. 0903-2022 - "BAUHINIA"

A notice of appeal, a copy of which is attached, has been lodged against an order made by a referee on 1 August 2023.

The appeal has been referred to the undermentioned Tribunal for determination.

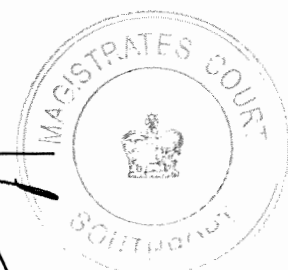
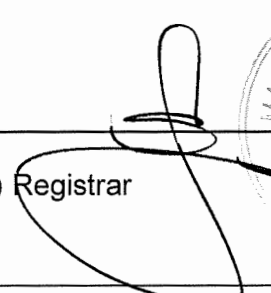
TAKE NOTICE that the appeal is listed for MENTION / ~~HEARING~~ as follows:

Date: Wednesday 22 November 2023
Time: 9.00 am / ~~pm~~

Place: Southport Magistrates Court, Cnr Davenport and Hinze Streets, Southport Qld 4215

DATED at Southport this 4th day of October, 2023

(for) Registrar



NOTE

The person to whom this notice is addressed is entitled to appear before the Tribunal on the hearing of the appeal, or be represented by counsel or a solicitor, or by an agent authorized in writing, who may examine witnesses and address the Tribunal on behalf of that person – refer section 99 Building Units and Group Titles Act 1980.

APPEAL OF DISMISSAL OF FINAL ORDER IN 0903-2022

1. Information required for Appeal

Names and addresses of appellants:

Richard and Margaret Sherman
4634 The Parkway
Sanctuary Cove QLD 4212

Email address: Shermans1969@gmail.com

Lot Number 17 GTP 1701

2. Order Appealed Against: Dismissal of application 0903-2022.

Grounds for the Appeal

3. The grounds for this appeal are that the referee acted unreasonably by dismissing the application for the order.

The Referee did not apply the statutory provisions of BUGTA 50 (2)

- 3.1 The Referee applied a different standard than that in BUGTA Section 50 (2).

BUGTA 50 (2) prevents Bauhinia Body Corporate (Bauhinia) from entering a contract with a body corporate manager which delegates the body corporate duties to another corporation. The Sanctuary Cove Community Services Limited (SCCSL) is the body corporate manager under the 2022 Administration and Management Agreement with Bauhinia.

The Referee invited SCCSL, as an interested party to make submissions. SCCSL in its first submission to the Referee on 12th September, 2022 stated that SCCSL is a holding company that delegates body corporate management functions to Sanctuary

Cove Body Corporate Service Pty. Ltd. (SCBCS). SCBCS is a subsidiary corporation of SCCSL.

- 3.2 The Referee rejected the applicants' use of the disclosure by SCCSL that it is a holding company. The applicants submit that the admission by SCCSL that it is a holding company and delegates the body corporate management services to SCBCS is an admission against interest and is proof that Bauhinia cannot enter the contract with SCCSL.

SCCSL stated to the Referee that:

"(c) SCCSL is wholly owned by the PBC and PTBC in equal shares, established for the purposes of being a holding company for the provision of management services to Sanctuary Cove."

- 3.3 With respect to BUGTA, the referee appears to not specifically address the admission by SCCSL that it is a holding company and delegates its body corporate management responsibilities to SCBCS. BUGTA Section 50 (2) states:

"A body corporate may not, under subsection (1) delegate to a body corporate manager its power to make – (a delegation under that subsection);"

SCCSL states in its submission to the Referee at section 12 that the services are to be provided by two subsidiary corporations of SCCSL: Sanctuary Cove Body Corporate Services Pty. Ltd. (SCBCS) and Sanctuary Cove Security Services Pty. Ltd. (SCSSL). SCCSL informed the Referee that it will not be providing body corporate management services but will be delegating these services to another corporation.

- 3.4 The appellants submit that the Referee does not appear to address this prohibition and SCCSL's admission that SCCSL is a holding company in her decision.
- 3.5 Instead of applying the statutory provision prohibiting Bauhinia from signing the agreement, the Referee appears to have applied a subjective test to SCCSL and its subsidiary SCBCS. The Referee's

test claims that the management style of SCCSL permitted SCCSL's delegation to SCBCS. There is no evidence to support the Referee's claim. Further, BUGTA Section 50 (2) does not permit Bauhinia to examine SCCSL's management style.

Therefore, appellants submit that the Bauhinia Body Corporate (the respondent in 0903-2022), cannot enter into a contract with SCCSL because SCCSL is a holding company and it will delegate the work to be performed to another corporation.

- 3.6 Appellants submit that the purpose of BUGTA Section 50 (2) is to prevent a body corporate manager from insulating itself by delegating the work to be performed to another corporation. In this case the respondent Bauhinia can make no claim against SCBCS because it is not a party to the Administration and Management Agreement with SCCSL.

The Referee did not apply the statutory provisions of BUGTA Sections 46-47.

- 4.1 BUGTA Section 46 defines the meaning of a "restricted matter".

BUGTA Section 46.2 provides that "the decision of the Committee on any matter, other than a restricted matter, shall be the decision of the body corporate."

In other words if it is a restricted matter the body corporate committee cannot approve it. It must be decided at a general meeting of the body corporate.

Further, BUGTA Section 50 (1) requires the appointment of a body corporate manager to be approved at a general meeting of the body corporate. This requirement prevails in relation to the exceptions relating to a restricted matter.

- 4.2 BUGTA Section 47 (2) requires a general meeting of Bauhinia for the purpose of considering the proposed agreement and requires "in respect of work to be performed" at least two tenders to the meeting voting on the proposed agreement.

- 4.3 Missing from Motion 4 was the requirement that at least two tenders be submitted to the Bauhinia Body Corporate Committee prior to the EGM. SCBCS only submitted one tender, that of SCCSL to the Committee. Therefore, it appears that the Referee failed to recognize the tender requirements of BUGTA Section 47.
- 4.4 All the Residential Bodies Corporate except Corymbia Body Corporate only had the SCCSL tender.

Corymbia Body Corporate Committee required and received two tenders for the body corporate management agreement.

Appellants submit that Corymbia Body Corporate recognized that two tenders were required and obtained a tender from a body corporate management firm BC Systems and SCCSL.

Corymbia Body Corporate voted to approve the appointment of BC Systems as its body corporate manager.

(An explanation of Corymbia's decision is included in Section 6 of this appeal. Section 6 addresses the issue that SCCSL is not a cost recovery or not for profit corporation.)

- 4.5 It appears that the Referee's claim that under BUGTA Section 47 (1) "in an emergency authorized by the Referee" was applicable. This provision relates to the Committee of the Body Corporate voting on the SCCSL Agreement. This exception is not applicable as the Bauhinia Body Corporate Motion 4 was placed on the Bauhinia Agenda pursuant to BUGTA Section 50 (2).
- 4.6 The Referee appears to state in her decision at Paragraph 96 that if the Bauhinia Body Corporate approves a Motion, two tenders are not required. The Bauhinia Committee never received a second tender. SCBCS never provided a second tender to either the Bauhinia Committee nor the Bauhinia Body Corporate at the Bauhinia General Meeting.

The Referee incorrectly determined that SCCSL is a lawful corporation.

- 5.1 SCCSL was created in 2006 by the PBC CEO as a condition of her employment. Subsequently, SC PBC Pty Ltd. shares were transferred to the PBC and PTBC. That corporation was renamed SCCSL in October 2006.

From 2006 to the present time the Sanctuary Cove Principal Body Corporate (PBC) and the Sanctuary Cove Primary Thoroughfare Body Corporate (PTBC) continue to each own 50% of the outstanding shares of SCCSL and continue to appoint the Board of Directors of SCCSL. The 1985 SCRA stated that the Queensland Companies Act did not apply to the PBC or PTBC. Thus the PBC and PTBC have always been prohibited from using the Companies/Corporation Act.

- 5.2 The SCRA Section 23 (5) and 66 (3) state:

"The Corporations Act does not apply to or in respect of the Principal Body Corporate."

"The Corporations Act does not apply to or in respect of the Primary Thoroughfare Body Corporate."

- 5.3 The Corporations Act, which is an Act by the Commonwealth of Australia as Section 5 F permits the states in Australia to exclude organizations and persons from that Act. Without Corporations Act Section 5 F, Queensland could not exclude bodies corporate.
- 5.4 Queensland has excluded all bodies corporate under BUGTA, the BCCM Act and SCRA from applying the Corporations Act.
- 5.5 Therefore, the exclusions contained in the SCRA were authorized and implemented by the State of Queensland.

- 5.6 Instead of applying the exclusions in the SCRA to SCCSL, The Referee in her decision at Paragraphs [61] states:

"the applicants have not substantiated a legal basis for concluding that SCCSL was not validly created or constituted."

- 5.7 Appellants submit that the legitimate operation of a corporation is premised upon both the officeholders and the shareholders being subject to the Corporations Act. Pursuant to Section 23 (5) and Sections 66 (3) of the SCRA the Corporations Act does not apply to or in respect of the PBC or the PTBC. Therefore, the creation and continuing operation by the PBC and PTBC of SCCSL is unlawful.
- 5.8 In light of the foregoing, appellants submit that SCCSL is an unlawful corporation. Further, appellants submit that Bauhinia Body Corporate cannot sign an agreement with SCCSL because it is an unlawful corporation.
- 5.9 The Referee at Paragraph 64 of her decision appears to claim that she has no authority to interpret Section 5 F of the Corporations Act.

Appellants submit that the Referee in order to interpret SCRA Sections 23 (5) and 66 (3) needs to cite some authority in the Corporations Act which allows the states to support her interpretation. Appellants submit that the Corporations Act does not authorize the Referee's interpretation of SCRA Sections 23 (5) and 66 (3).

The alleged "cost recovery and not-for-profit" status of SCCSL

- 6.1 Appellants submit that SCCSL has not provided evidence that it is being operated as a "cost recovery", "not-for-profit" corporation.
- 6.2 Therefore, Bauhinia Committee, of which Mr. and Mrs. Sherman are members, sought information from SCCSL in respect of its status as a "cost recovery" corporation.

The basis for the Bauhinia Committee's authorizing Mr. Sherman to write to the PBC Chair who was a director of SCCSL seeking

information was the 2007 Administration and Management Agreement, Schedule 3 entitled Management Services. Paragraph Y requires SCCSL to provide information and material in respect of the costs and expenses and allocation of costs relating to the provision of services. The 2007 Agreement was in force in August 2022.

6.3 The response from SCCSL was that SCCSL is not registered as a not-for-profit company and does not use the accounting standards applicable to not-for-profit companies.

6.4 The following information was provided with respect to SCCSLs profits.

For the years 2019 to 2021 the SCCSL profit was \$446,492. SCCSL distributed to the PBC \$183,082. The amount received by the PTBC was not disclosed. A small amount of money was distributed to the RBCs, that total amount was not disclosed.

The basis for distribution to the PBC and PTBC is not disclosed. However, there can be no doubt that SCCSL is in the business of making a profit, thus it is not a "cost recovery" corporation.

On behalf of the Bauhinia Committee, Mr. Sherman requested the salary of the CEO of SCCSL. The reason for this request is Schedule 1 of the proposed 2022 Agreement specifies that the hourly rate for the CEO is \$350 per hour, for Senior Managers \$250 per hour and for Managers \$150. On an annual basis the CEO rate is approximately \$700,000. For SCCSL Senior Managers the annual rate is approximately \$500,000 and for Managers the annual rate is \$250,000.

These salaries appear to greatly exceed the costs for a "cost recovery" corporation in Queensland.

6.5 In the SCCSL explanation there was a statement to the effect that these weren't the actual rates paid. The CEO stated that his salary is not \$700,000. This information highlights that the rates in Schedule 1 of the Agreement are not "cost recovery" and result in SCCSL being a for profit corporation.

Support for this view is that SCCSL pays significant bonuses to its managers and returns some profits to the shareholders. Therefore, the claim that SCCSL operates on the basis of a "cost recovery" system is not supported by the evidence provided by SCCSL.

- 6.6 Corymbia Body Corporate Committee in its decision not to contract with SCCSL provided additional reasons with respect to its motion to appoint a body corporate manager.

"The Committee considered the terms of their contract to be unsuitable because:

- (a) the term of appointment (allowing for rights of extension) was 9 years*
- (b) the cost of the services would be:*
- (i) the actual cost incurred for all things done by the Manager for Corymbia pursuant to the terms of the agreement; and*
 - (ii) a pro-rata proportion of all costs, charges, expenses, and overheads incurred by the Manager (including costs incurred by Sanctuary Cove Community Services Limited or any of its wholly owned subsidiaries), in performing or procuring the performance of the duties or services."*

In plain English the cost of a 9 year contract is unknowable and the cost based on the SCCSL contract is open ended.

- 6.7 Based on information provided to the appellants by the Chair of the Corymbia Body Corporate, Corymbia has calculated that it will save over \$4,000 in the first year of its contract with BC Systems by not signing the SCCSL contract.

Corymbia Body Corporate consists of 37 lots which is approximately 1/3 that of Bauhinia Body Corporate. Upscaling the Corymbia savings for Bauhinia would be over \$12,000 in the first year. Over the life of Bauhinia's 9 year agreement with SCCSL the savings would be over \$100,000.

Appellants submit that BC Systems is a for profit Body Corporate Manager whereas SCCSL claims to be a cost recovery corporation. In other words it appears that SCCSL is not accountable to Bauhinia and the other RBCs for its charges.

The Bauhinia Purchasing Policy

- 7.1 The Purchasing policy, which was prepared by SCBCS, was submitted to all RBCs at their February 2022 general meetings. Bauhinia approved this policy in February, 2022.

Appellants submit that this approved Purchasing Policy proposed by SCBCS was in addition to BUGTA at Section 47 (2) and not in conflict with it.

The Purchasing Policy requires at least two tenders for all contracts over \$1,500. The rationale put forward by SCBCS to Bauhinia Body Corporate was that this provided additional protections and was not in conflict with BUGTA Section 47 (2).

- 7.2 The Referee appears to state the applicants had not proved that the Bauhinia Purchasing Policy should apply. Appellants submit that the additional protection afforded by the Bauhinia Purchasing Policy is prophylactic, as is the BUGTA Policy at Section 47 (2).

Conclusion

The Bauhinia Body Corporate Committee consists of volunteers who are elected by the voting members of Bauhinia. With regard to the 2022 Administration and Management Agreement, at that time the Bauhinia Secretary and Treasurer were appointed by SCBCS and were employees of SCBCS.

The Bauhinia Body Corporate and its other Committee members are volunteers without knowledge of body corporate legislation and therefore relied on SCBCS to provide that knowledge and judgement.

The SCRA at Schedule 5 creates a Code of Conduct for body corporate managers in Sanctuary Cove, which includes knowledge of the SCRA. Further, the SCRA incorporates many provisions of BUGTA and mirrors many other BUGTA provisions.

Appellants submit that in this appeal there are numerous examples of the failure of SCCSL, and its subsidiary SCBCS, to meet the requirement of knowledge and judgement with respect to its duties as a body corporate manager.

In the case of Bauhinia's Motion 4 it appears SCBCS had a conflict of interest and acted in SCCSL's interest by only providing the SCCSL agreement to the Committee and the Body Corporate.

Turning to the policy advice with respect to the Bauhinia Purchasing Policy, the Referee in her decision appears to states that the Bauhinia Purchasing Policy does not apply. Appellants submit that SCBCS prepared and provided advice that that policy should be approved by the Bauhinia Body Corporate. Based on the Referee's decision regarding the Bauhinia Purchasing Policy this demonstrates SCCSL's and SCBCS's lack of body corporate knowledge and judgement.

The appellants submit that SCCSL and SCBCS, as the body corporate manager, failed to inform Bauhinia with respect to the application of the legislation related to the issues in this appeal as required by the Code of Conduct in SCRA for body corporate managers.

In addition to deciding the matters raised in this appeal in favour of the appellants, appellants submit that SCCSL not be permitted to continue as a body corporate manager for Bauhinia.

We believe the information given in this appeal to be true.



Richard Sherman

Dated: August 8th, 2023



Margaret Sherman

Dated: August 8th, 2023

ITEM 11

04 Oct 2023

Wayne Steer
7130 Marine Drive East
Hope Island Qld 4121
Lot 86

**Sanctuary Cove Principal Body Corporate
PO Box 15
SANCTUARY COVE QLD 4212**

Dear Committee,

Re: Marine Drive East - Melaleuca (Paperbark) Trees

I write this letter to bring attention to the committee, how annoying, invasive and damaging the Melaleuca Trees are along Marine Drive East and consequently, make a request for the tree's removal.

There are thirty Melaleuca trees in Plumeria Park with a further fourteen between the park and the Cul-De-Sac. The mature trees drop leaves in large volumes. The leaves completely cover the newly laid grass in the park and on residents' verges, gutters, pools and inside garages. No point having the park if grass cannot grow. The leaf covered footpaths through the park present a trip hazard with lifting pavers from invasive tree roots. The pollen released from the trees is fine and finds its way into everything. Leaf removal management requires regular daily maintenance by the homeowner. This is both annoying and frustrating and can easily be fixed if you would act. I would happily pay to remove the 3 or 4 trees opposite my house.

The trees are problematic, and in my opinion, do not belong in a suburban street, particularly so close to the roadway. The volume of leaves within the park, on the road and in residents front yards detract from street's attractiveness. Residents and neighbours, I have spoken with would appreciate it if the PBC consider removal and replacement of the trees with a less invasive species or better still nothing at all.

I cannot imagine this is the first complaint you have received regarding this issue and fully expect nothing to happen, I want you to know how much grief these trees are giving residents, especially me. Stop wasting our money with the road sweeper as it drives up the street its chassis hits the tree canopy and we are back to a street full of leaves, a completely fruitless exercise.

Yours Sincerely



Wayne Steer
7130 Marine Drive East
Hope Island
QLD 4212

ITEM 12

Our Ref: 0252-2023



Department of
Justice and Attorney-General

6 October 2023

Sanctuary Cove Principal Body Corporate
Email abc@scove.com.au

Dear Sir/Madam

RE: APPLICATION REF NO. 0252-2023
“SANCTUARY COVE PRINCIPAL BODY CORPORATE”

I refer to my investigation of the above application and to recent correspondence.

As requested in your email of 4 October 2023, I will extend the time for the applicant to respond to my letter of 21 September to **20 October**.

Please ensure that you provide a copy of your response and any other correspondence on the matter to the respondents.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Ingrid Rosemann".

Ingrid Rosemann
Referee

cc. Mr David & Mrs Carolyn Waller

ITEM 13

From: [Judi Young](#)
To: [PBC](#)
Cc: [Pete](#)
Subject: Fwd: Important Correspondence regarding Florida Rooms
Date: Friday, 13 October 2023 8:09:12 AM
Attachments: [image001.png](#)
[Florida Enclosures letter.pdf](#)

Good morning

Further to your correspondence dated 14 August 2023 to owners who had been identified as having “non compliant” Florida rooms, we are seeking an update on decisions made (if any) rectification & costs involved.

After receiving your correspondence, we engaged Sun Coast Outdoor Living to provide an assessment and quote. They came to our residence, assessed and measured up on what needed to be done to make our Florida Room compliant. They advised they’d communicate their findings to you after they’d visited other affected owners. We also advised them we were going away for most of September. We assumed we’d be informed by you what our next step would be, given the progress of the paintwork/tiling is now making tracks with our place (Block G) looking like it will commence next month. We’re now back home & we’ve heard nothing from Sun Coast Outdoor Living or any further update from you regarding what we need to do before work starts on our place (5031 St Andrew’s Terrace).

We now understand that the PBC has received legal advice on this matter.

Could you please advise what has been decided in regard to rectification & who is responsible for the cost of such work, given our room was approved by the SCBC several years ago?

Kind Regards
Judi Young
Peter Bath

Sent from my iPad

Begin forwarded message:

From: Peter Bath
Date: 13 October 2023 at 07:39:39 AEST
To: Judi Young
Subject: Fwd: Important Correspondence regarding Florida Rooms

Sent from my iPad

Begin forwarded message:

From: PBC <pbcc@scove.com.au>
Date: 15 August 2023 at 08:26:46 AEST
Cc: Dale StGeorge, Jodie Cornish <

Subject: RE: Important Correspondence regarding Florida Rooms

Good Morning, Residents,

Please see attached correspondence from the PBC regarding important information relating to your Florida Enclosure during the painting project completion.

Kind Regards,

Main 07 5500 3333 | enquiries@scove.com.au

Address PO Box 15 | Shop 1A, Building 1, Masthead Way Sanctuary Cove Q 4212

Web stratamax.com.au/Portal/login



BODY CORPORATE
Sanctuary Cove

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CORRESPONDENCE FOR ACTION

ITEM 1

From: J Goltman

Sent: Thursday, October 5, 2023 10:13 AM

To: PBC <psc@scove.com.au>

Subject: Request for overnight parking relaxation

Subject: Request for Temporary Parking Relaxation

Dear Sanctuary Cove Body Corporate,

I hope this letter finds you in good health. I am writing to express a concern that has been affecting our residence, particularly in relation to parking facilities within the Sanctuary Cove community.

Over the past few months, my family and I have been facing a challenge with parking space availability during the evening hours. We understand and appreciate the existing rules and regulations regarding parking within the community; however, we believe that there is an opportunity to address this issue in a way that benefits all residents.

We have noticed that there are several unused parking bays located within safe walking distance from our dwelling. These parking spaces remain vacant during the evening hours, and we believe that utilizing them during this time could alleviate the parking shortage issue we face. We have conducted surveys and spoken with several of our neighbours who have expressed similar concerns and support for such a solution.

In light of this, we kindly request that the Sanctuary Cove Body Corporate consider relaxing the existing parking rules temporarily to allow us permission to park one vehicle in the vacant parking bays from 8:00 PM to 6:00 AM. We understand the importance of adhering to rules and guidelines within our community and want to assure you that we will strictly adhere to the specified hours and guidelines for parking in these vacant spaces.

We believe that this temporary arrangement will not only alleviate the parking congestion in our community but also ensure that residents like us have a convenient and practical solution for our parking needs during the evening hours.

We greatly appreciate your attention to this matter and kindly request that you consider our proposal. We believe that this small adjustment can significantly improve the quality of life for many residents within the Sanctuary Cove community.

If needed, we are willing to discuss this matter further and collaborate with the Body Corporate to find a suitable solution that meets the needs and concerns of all residents.

Thank you for your time and consideration. We look forward to your response and hope for your support in resolving this parking issue.

Sincerely,

Steven Goltman

Australian Fitness Supplies General Manager

ITEM 2

From: [Heather James](#)
To: [PBC](#)
Subject: Fwd: Unapproved Screening - 2026 The Circle, Sanctuary Cove
Date: Thursday, 5 October 2023 1:47:42 PM

Please find included my recent email to Caitlin regarding the unauthorised screening of the boundary fence between ourselves at 2024 and neighbouring house 2026. We were assured they would have to remove the fencing after planting 2 extra trees which cost us \$700 above the cost of our APPROVED renovation was completed. Caitlin has pictures of said fence from our view. As you can see by our letter to Caitlin we are very upset to now be told otherwise. I might also mention that no one has suggested they plant their own screening hedge. We actually feel they should have paid for our 2 extra plants. Not once has any one suggested it was their responsibility to create their own legally obtained screening. We wish this matter to be tabled at your next meeting. Regards Heather and Leon James

Sent from my iPhone
Heather James

Begin forwarded message:

From: Heather James
Date: 3 October 2023 at 3:33:18 pm AEST
To: Compliance <compliance@scove.com.au>
Subject: Re: Unapproved Screening - 2026 The Circle, Sanctuary Cove

Hi Caitlin, To say we are disappointed is an understatement. So bloody angry I can't see straight. This is completely unacceptable and so wrong on so many levels.

What is the point of having a BC and bylaws if people can blatantly ignore them and get away with it. We did all the correct things re applications approvals and 8 k deposit and \$700 extra for 2 palm trees requested for our 250 k upgrade only to have that eyesore erected on our fence line. I'm sick of hearing about their privacy. It's not like we have set up a table and chairs there and are peering into their backyard. If I wanted to do that I could be doing it all day long from my bedroom balcony. It seems you can flout all the bylaws and not a thing happens. They have not applied for ANY approvals for landscaping fencing or their lounge extension and no repercussions. We wish to make a formal complaint. We are not prepared to wait 6 to 12 months. I'm not even close to confident that they will remove them. It's simply not good enough. I'm sure if it was out the front for everyone to see we would not be having this conversation. How do we escalate and challenge this decision. We are not prepared to accept this outcome!!!!

Sent from my iPhone
Heather James

On 29 Sep 2023, at 3:58 pm, Compliance
<compliance@scove.com.au> wrote:

Good Afternoon Leon and Heather,

Please see attached correspondence for your consideration.

Should you have any further queries, please feel free to contact our office.

Kind Regards,

CAITLIN SEALEY

Building Approvals Manager

Direct 07 5500 3316 |

Main 07 5500 3333 | enquiries@scove.com.au

Address PO Box 15 | Shop 1A, Building 1, Masthead
Way Sanctuary Cove Q 4212

Web stratamax.com.au/Portal/login

<image001.png>

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CORPORATE PTY LTD**

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<20230928 2024 Schotia Island Unapproved Screening
Update.pdf>

From: [Roger Hinves](#)
To: [PBC](#)
Subject: Screening 2026
Date: Monday, 9 October 2023 8:49:35 PM
Attachments: [Roger and Mary Hinves.pdf](#)

Dear Chairman and Committee,

We have received a communication today relating to the screening of our property and that of 2024.

We are completely in agreement with the solution outlined in the letter we received from Mr Dale St George and responded in a positive manner.

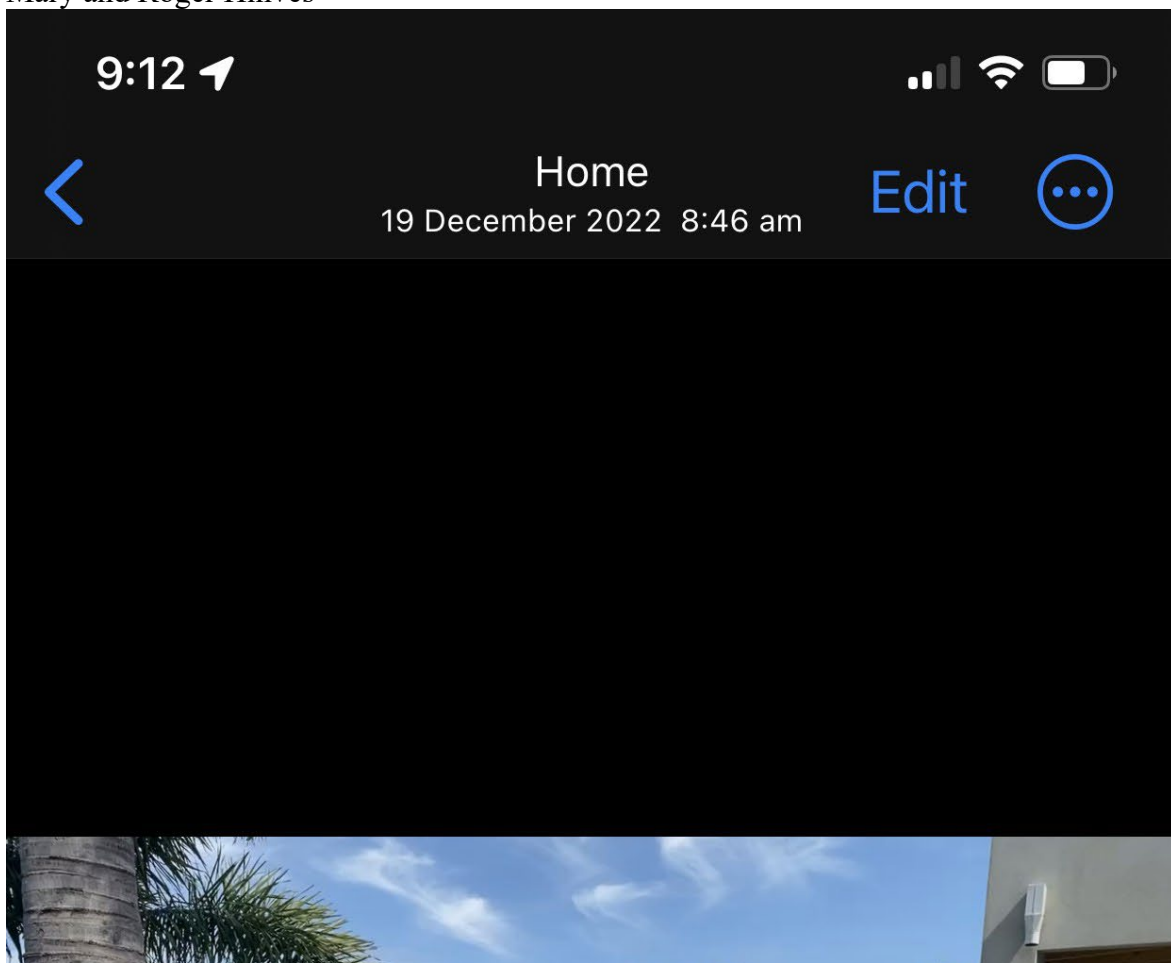
We refer to our letter dated 7/6/2023 (see attached) which explained our action related to the need for urgent action. This was due to a serious breach of lack of privacy. We referred to the Body Corporate By-Law 1.4(d) which states that “the owners have to provide appropriate level of privacy for surrounding lots....”

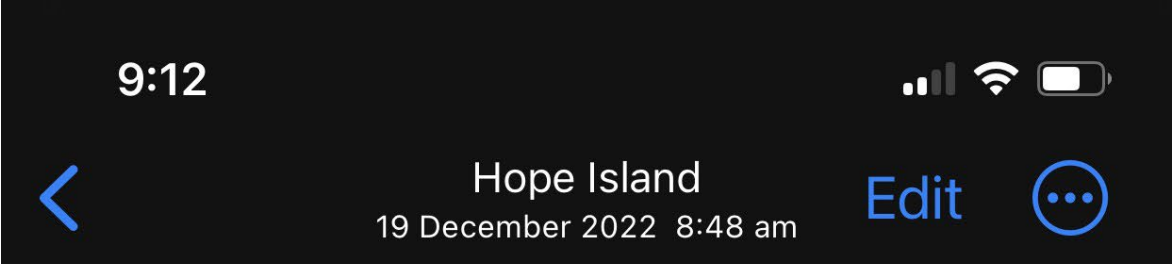
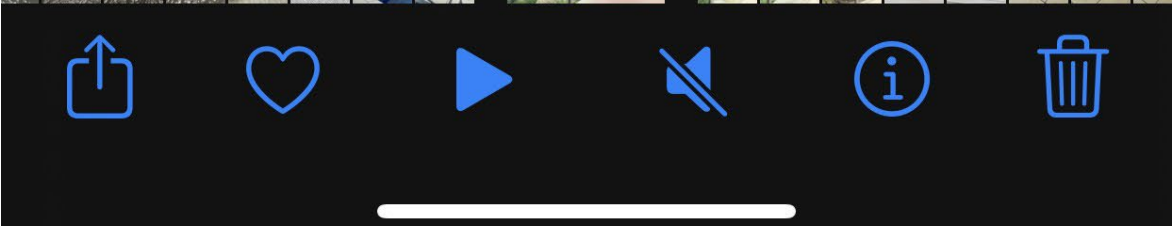
The photos you have on file (see attached) adequately show the intrusion of our appropriate level of privacy.

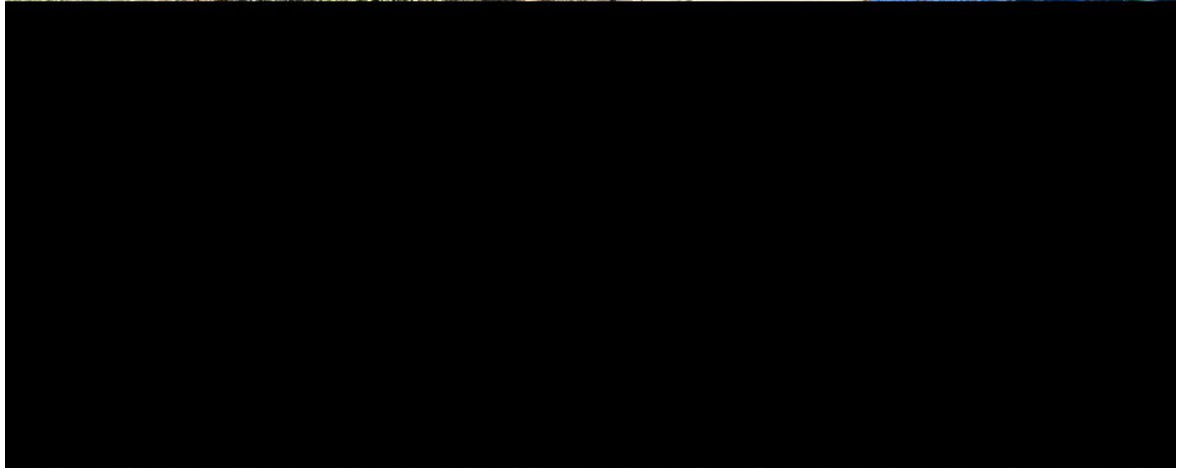
Although there were screens proposed there was no assurance that they would be erected in time for our family’s arrival over the Christmas break. On behalf of both parties we installed screens at our swimming pool as their deck abutted to our swimming pool and our entertaining area.

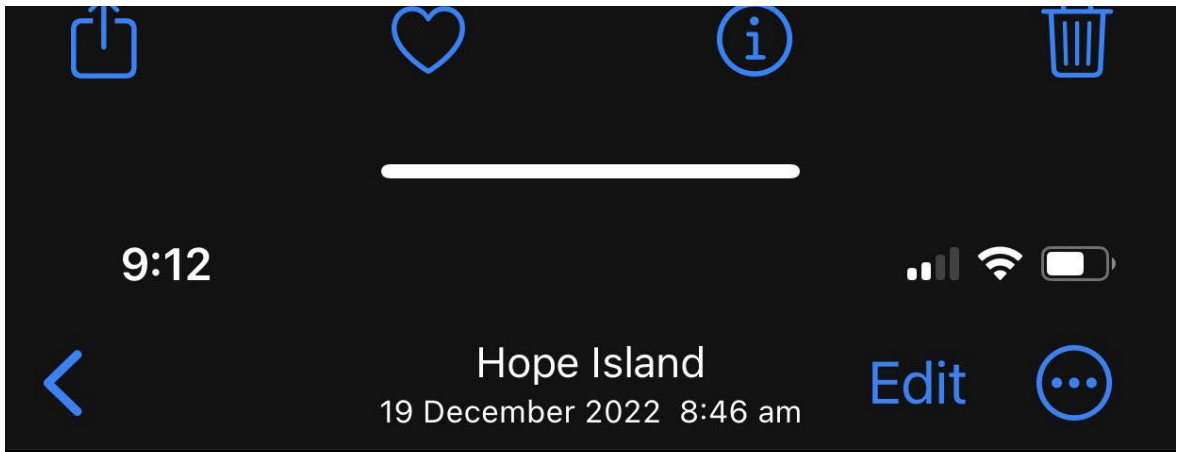
We respectfully ask that the solution proposed stand.

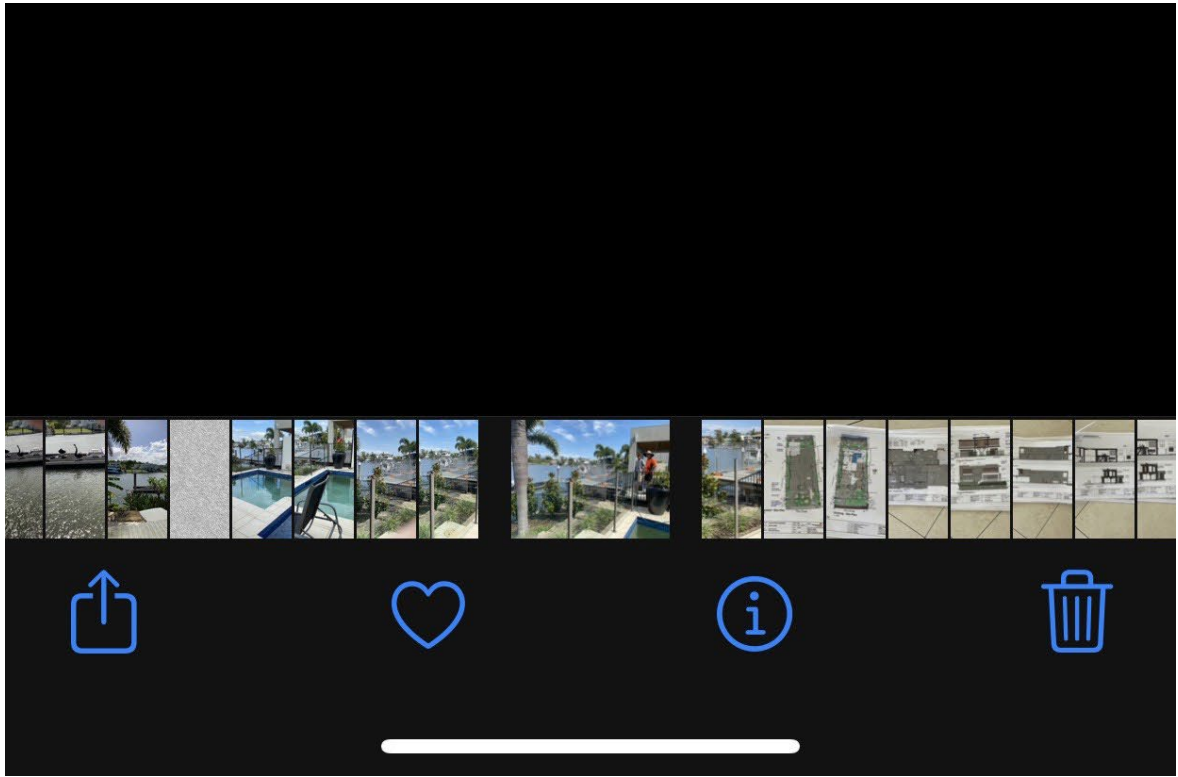
Sincerely
Mary and Roger Hinves











Rüger and Mary Hinves

Belinda Laurie
Building Approvals Manager
Sanctuary Cove Community
Services Limited
1 Masthead Way,
Sanctuary Cove QLD 4121
Dear Belinda

Thank you for your time discussing the screening of Northern side between our property 2026 and 2024.

I refer to our previous correspondence on 9th January to the Body Corporate detailing a deviation from approved plans of the deck that's been constructed in 2024 which impacted on our privacy. (We have photos of tradesmen standing on deck which abuts our pool)

This was exacerbated by a Body Corporate decision which allowed the deck to be built closer to us that was originally approved. This was extremely disappointing as we had gone to serious costs to alleviate the lack of privacy whereas our neighbour had no interest in aiding a solution to this problem. We on the other hand did the following:

- a) Placed 2 white powder coated open work screens to protect our privacy whilst in the pool.
- b) Purchased and planted 4 x 178cm trees along the line between our properties. Note: these trees were far short of the base of their patio.
- c) Bought 2 large ceramic pots and planted mature bougainvillea to assist in the screening of the pool.

These items cost in excess of \$9,000.

As there was still a gap in our privacy, we solved this issue by installing the screens you have requested we remove. These screens have somewhat given privacy however when people are standing on the deck, they can still peer into our garden which happened last time they were entertaining. We are anticipating in the long-term that the trees will provide the required privacy once they have matured.

On a personal front my husband is approaching 88 years in July and has significant medical problems. He sits in the garden every day. He is immobile and on continuous oxygen. The disturbance and stress which this invasion of his privacy is having a big impact on his quality of life.

The attitude of our neighbour is reflected in their comment to me - "It is our house, and we can do with it what we want" is very upsetting for husband including affecting his ability to sleep.

I have several photos taken at various stages which clearly demonstrate their inaction in resolving an extreme lack of privacy. We provided all of the solutions albeit expensive. Their screening which again does not comply with the plan is to put in small plants which will take years to mature! We ask for a re-evaluation regarding adequate privacy screening and await a meeting to demonstrate what we have experienced for months or and if necessary, a meeting at your office with all of the photos.

I refer the by-law 1.4(d) which states –

(d) to provide the appropriate level of privacy for the surrounding Lots through considered placement of windows, doors, decks, screens, fences, plantings and screens.

Given the privacy issues we are experiencing, can you confirm whether any condition was applied to the approval of 2024's deck, or any subsequent instruction since that approval, that conforms to the requirements of by-law 1.4(d).

Roger & Mary Hives

lof1

7/06/2023,5:01 PM

From: Heather Jones
To: DC
Subject: 1023
Date: Thursday, 5 October 2023 1:52:45 PM

Pics of unauthorised bamboo fencing for your perusal. Would you like to be looking at this? We spent 250 k on our upgrades out the back of our property. All approved.





Sent from my iPhone
Heather James

ITEM 3

From: paul debnam

Sent: Saturday, October 7, 2023 5:25 PM

To: enquiries <enquiries@scove.com.au>

Subject: Builder Generated Airborne Dust Particles

Dear Chairman, Principal Sanctuary Cove Body Corporate,

I write to you to express my concerns with the builders who utilise crusher dust as a general fill material in the construction of new homes. My concerns are that the builders utilising this product, generally are unaware of the reasons or the need to safely and effectively manage this product on site. It is irresponsible to ignore the dangers that the crusher dust poses to the community from a health and/ or an environmental hazard perspective when incorrectly handled. However, in the absence of any policing of recognised WH&S, standards and codes, the result is that we are all too often being subjected to excessive levels of airborne dust over which individually we have no control. This is an unacceptable situation particularly when consideration is given to the significant and increased risks to the health and welfare of us all, particularly those with respiratory ailments.

The crusher dust, as it is commonly called, is an unwanted by product, usually generated from aggregate crushing activities. The fines so generated are usually too fine to be blended into the final product and subsequently become waste. The cheapness of this material makes it a common source of general fill material, but most consumers are unaware of the dangers this material presents if not handled responsibly. Typically, the particle size comprising much of this material is equivalent to cement or finer, and as such becomes airborne very easily, particularly in dry and windy conditions. Even when left undisturbed and exposed, stockpiles can be easily eroded in the lightest of winds if allowed to dry out. Although far from perfect, the recognised manner of stabilising this material is to maintain its moisture with the use of a suitable sprinkler system. The moisture also facilitates the compaction process provided the optimum moisture content of the material is not exceeded. These techniques are industry recognised as acceptable prudent ways by which this material can be better managed with the minimum of health and environmental hazard and risk.

My wife and I live at 1825 Pinehurst Drive, an area with significant building activity close by. We acknowledge that some inconvenience is to be expected with this level of local building activity happening around us. However, all too often examples of excessive dust generation by irresponsible builders refusing to address their problem is evident. Such an occurrence happened yesterday when the builder in question, when confronted about the airborne dust refused to address the problem. The builder had several loads of crusher dust delivered during the day and the previous day. There was very little moisture in each of the consignments delivered and with no sprinkler system on site the result was excessive dust being generated. The matter was reported to Security with a similar outcome in that the builder's response was the same, refusing to acknowledge any responsibility or accountability. A video recording of the event taken over several minutes clearly demonstrates the nature of the problem. This had been happening over the two days of general filling activity carried out by the builder, prior to being approached. However, the video fails show the full extent of the dust problem because much of the dust is too small to be seen by the human eye. Unfortunately, the video file of the event is too large to be included in this email, but I am happy to provide a copy for your records. It is fair to say that this builder alone should not be singled out as the only offender, similar examples of stockpiles left uncovered and/ or excess material not disposed of responsibly are evident on several of the construction sites in this area.

It is not in anyone's interest that this situation is allowed to continue unchallenged. We request that some affirmative action is taken by the Principal Body Corporate to address this problem because most builders are ignoring the dangers.

Kind regards, Paul Debnam

ITEM 4

From: Richard and Margaret Sherman

Sent: Wednesday, June 28, 2023 2:45 PM

To: Dale StGeorge ; Jodie Cornish

Caroline Tolmie ; Robert & Janice Buttner

Subject: Boat moored at 4638

My husband and I live at 4634 The Parkway.

In regards to the motor vessel moored at 4638 The Parkway, we have absolutely no concerns or objections.

Previously, the boat named Enigma moored at 4636 extended beyond the jetty. See attached photo. We did not raise objections.

However, we do have a problem with the cameras installed at 4636 which we understand look into our property. In our view we are entitled to privacy. We believe those cameras at 4636 are an invasion of our privacy. Would you please take action to deal with this problem.

Also is the flagpole which was installed by Mr. Leslie close to our boundary permitted? We note that the flagpole has been installed for approximately 12 years and we have never seen it fly a flag. Therefore, we question what is the legitimate purpose for installing a flagpole.

Regards

Margaret and Richard Sherman

From: Richard and Margaret Sherman
Sent: Tuesday, October 10, 2023 5:42 PM
To: Dale StGeorge ; Jodie Cornish
; Caroline Tolmie ; Stuart Shakespeare
Subject: Action please

On June 28th, I wrote to you asking you to please arrange for the removal of the cameras at 4636 which are invading my privacy.

I have heard nothing from you. I have since ascertained that the cameras are Eufy 120 degree cameras.

Also I complained about the unauthorized flagpole at 4636. This flagpole was installed by Mr. Leslie close to our boundary. We note that the flagpole has been installed for approximately 12 years and has never flown a flag. Therefore, we question what is the legitimate purpose for installing a flagpole. Please consider that it is not approved under the Sanctuary Cove Resort Act., the DCBLs or the RZABLs. In my opinion it is an eyesore and it has never been used for its intended purpose.

Regards

Margaret and Richard Sherman

ITEM 5

From: Max Leslie
Sent: Friday, October 13, 2023 9:06 AM
To: Dale StGeorge
Cc: Stuart Shakespeare ; [Max Leslie](#) **Subject:** PBC MInutes revision

Dale

I write to you in your capacity as PBC Secretary.

I refer to the minutes of the PBC Extraordinary General Meeting dated 28 September 2023 and circulated to residents on 12 October. There is an error in these minutes that I urgently seek to have remedied and publicly corrected.

Specifically I refer to Item 7 (111) Business Arising. I note the third sentence. “Unfortunately, the PBC is dragged into this unwilling to respond. (sic). Every effort is made to mitigate the level of legal expenditure by trying to work with both parties to resolve their differences...”

I do not seek to resolve any “differences” with our neighbours. I seek compliance, not argument.

My issue, which has now continued for some years, is the PBC’s inability, or unwillingness to ensure compliance and promote civil co-operation. My only request is that the Buttners comply with the Approved Plans, representations made by both them and the PBC to the Supreme Court, relevant DCBLs and RZBLs. Nothing more, nothing less, just compliance.

My request is consistent with the correspondence from Grace Lawyers to Mahoneys dated 22 September 2023.

I respectfully request that the relevant paragraph is revised and re-circulated to reflect the continuing non-compliance by the Buttners.

In respect of the Grace Lawyers correspondence, I note 21 days has now elapsed. It appears that none of the non-compliances identified in the letter have been remedied within the 21 day period allowed. Please advise when the PBC will take action to ensure remediation and compliance.

Max Leslie



16 October 2023

Dear Max,

The Chair's response to your email is that the comment he made was in context to a broader discussion about the PBC's overall legal expenditures and its objective of trying to mitigate these expenses.

In that context the Chair believes the minutes are accurate, however, as you are aware Dale St. George and the Executive Committee (on behalf of the PBC) are directly involved with your matter with the Buttners, so your email will be tabled at its next meeting for consideration on 23 October.

Kind Regards
For and on behalf of
Sanctuary Cove Principal Body Corporate

A handwritten signature in black ink, appearing to read "Dale St George".

Dale St George
Secretary