



*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 8th February 2024, 9:00AM**

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

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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 8th February 2024, 9:00AM**

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. Body Corporate – Approval to Commit the PBC to Expenditure
 2. Body Corporate - PBC Appointment of Additional Nominee Director to Board of SCCSL & Subsidiaries

6. Correspondence for Information

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For noting of the PBC and the PBC EC

No	Date	From	To	Regarding
1	17 November 2023	In-House Council	PBC EC	Correspondence regarding VOC 14 Nov 23 – Legal Expenditure <i>pg 15</i>
2	20 November 2023	PBC Chairperson	In-House Counsel	Correspondence regarding VOC 14 November 24 <i>pg 17</i>
3	23 November 2023	In-house Counsel	PBC EC	Communication for proposed motion – Legal Expenditure <i>pg 19</i>
4	26 November 2023	Livingstonia Resident	PBC	Communication referring to a list of objectives/requests <i>pg 21</i>
5	28 November 2023	PBC Secretary	Alyxia Resident - 8981	Correspondence on behalf of the PBC regarding levy extension <i>pg 22</i>
6	28 November 2023	PBC Secretary	PBC Chairperson	Communication regarding Open Ballot <i>pg 23</i>
7	29 November 2023	MSCD	PBC	Mulpha Feedback Session <i>pg 25</i>
8	30 November 2023	Washingtonia MN	RBC MN	Communication to all RBC MN regarding Motion 4 – Legal Expenditure <i>pg 33</i>
9	4 December 2023	PBC Secretary	MN	Communication regarding Motion 4 legal expenditure <i>pg 34</i>
10	7 December 2023	PBC Chairperson	MN	Communication to Members Nominees <i>pg 37</i>
11	8 December 2023	Schotia Island MN	MN	Communication regarding Motion 4 Legal Expenditure <i>pg 38</i>
12	8 December 2023	Roystonia MN	PBC	Communication to MN <i>pg 39</i>
13	20 December 2023	PBC Treasurer	PBC	List of information requested <i>pg 41</i>
14	21 December 2023	PBC Treasurer	MBC	Request for Information email <i>pg 42</i>
15	22 December 2023	MBC	PBC	Advice on current outstanding legal issues <i>pg 43</i>
16	31 December 2023	PBC EC MN	PBC	Correspondence for an informal PBC meeting <i>pg 44</i>
17	8 January 2024	Security Operations Manager	PBC Chairperson	Information for PBC Review <i>pg 45</i>
18	8 January 2024	PBC Chairperson	PBC	Communication regarding response to Tornado <i>pg 47</i>

19	15 January 2024	Grace Lawyers	In-House Counsel	Correspondence regarding Buttners & Leslie <i>pg 49</i>
20	17 January 2024	In-house Counsel	PBC Chairperson	Information regarding outstanding legal issues <i>pg 57</i>
21	17 January 2024	FM SCCSL	PBC Chairperson	Correspondence requesting information <i>pg 59</i>
22	18 January 2024	PBC EC MN	MBC	Further request for information <i>pg 60</i>
23	19 January 2024	PBC Chairperson	FM SCCSL	Correspondence requesting information <i>pg 68</i>
24	24 January 2024	PBC Chairperson	In-House Counsel	Correspondence regarding VOC and additional EGM meeting <i>pg 69</i>

Correspondence for Action

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For noting of the PBC and the PBC EC

No	Date	From	To	Regarding
1	21 November 2023	MN for Darwinia	PBC	Request for trees to be removed and relocated <i>pg 72</i>
2	15 December 2023	PBC	Washingtonia Resident	Correspondence to 4728 regarding approved vergola <i>pg 73</i>
3	19 December 2023	Plumeria Chairperson	PBC	Amendment to by-law to incorporate Secondary Thoroughfare parking <i>pg 77</i>
4	17 January 2024	Harpullia Resident	PBC	7020/7022 Repair the current pontoon <i>pg 80</i>

7. Business Arising

7.1 Next meeting to be held on 29th February 2024 @ 11:00am.

8. Closure of Meeting

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 8th February 2024 – 9:00AM

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.

Commitment of the PBC to Expenditure

PREAMBLE – Motion 1

The current Administration and Management Agreement (AMA) with Sanctuary Cove Community Services Ltd (SCCSL) delegates all the PBC's powers of expenditure to the manager of SCCSL. The only limitation is that expenditure stays within the annual budget approved by the PBC.

Whilst the powers of the PBC are delegated, this does not absolve the PBC of its statutory obligations and powers. The PBC remains responsible to ensure its powers (whether delegated or not) are completed.

As members' nominees know, the setting of an annual budget is an estimate of expenses rather than an accurate prediction. Ongoing careful management of decisions around expenditure is an important PBC responsibility.

With expenditure of approximately \$14m-\$15m per annum, a higher standard of financial oversight is expected by lot owners. It is recommended that the process for approving expenditure and invoices is revised and improved to assist both SCCSL and the PBC (via the elected Treasurer) with the important role of financial management.

As proposed in the motion, clear limits will ensure members nominees have an appropriate level of transparency and input to major decisions around expenditure.

The motion below achieves the following: -

- 1) The Manager continues to make day to day expenditure decisions up to \$5,000. The limit will ensure everyday efficiency.
- 2) For expenditure valued between \$5,001 and \$100,000, the Manager and the PBC Treasurer will co-approve work orders and payments.

Note, where the PBC Treasurer is a non-voting committee member and is an employee of the Manager, co-approval is required from the PBC Chair, or in their absence, another member of the Executive Committee.

Motions

1 Body Corporate – Approval to Commit the PBC to Expenditure (Agenda Item 5.1)

Proposed by: PBC Chairperson

THAT pursuant to S47AB (1) of SCRA, the PBC gives written notice to the Manager that, pursuant to clause 6 of the AMA, the expenditure approval process and invoice approval process will require two (2) signatories to approve any expenditure and invoices at a cost over \$5,000. The approval process below is to be adopted:-

Yes	
No	
Abstain	

- 1) The Manager is required to seek the approval in writing of the PBC Treasurer for any PBC expenditure item that exceeds \$5,000 in total, or that is likely to exceed \$5,000 in total across more than one invoice.
- 2) Approval from the PBC Treasurer for expenditure referred to in 1) does not apply to expenditure for:
 - i. the payment of utilities such as electricity, water, and telecommunications.
 - ii. meeting agreed and within budget payments under a duly executed contract; and
 - iii. arranging for emergency repairs.
- 3) When presenting proposed expenditure to the PBC Treasurer for approval, comparable quotations are to be presented based on the value of the proposed expenditure as follows:-

<u>Value of Proposed Expenditure</u>	<u>Minimum No. of Quotes to be Presented</u>
\$5,000 - \$50,000	2 quotations
\$50,001 - \$250,000	3 quotations
\$250,001 & over	A competitive tender process is required.

- 4) Expenditure that is unbudgeted, or is valued at more than \$100,000, or has a value impact of more than \$100,000, must be supported by a duly resolved PBC general meeting resolution recommended by the PBC EC. A copy of the resolution must be attached to any documents signed by the Manager and the PBC Treasurer to commit to the expenditure.
- 5) In the case where the PBC Treasurer is unavailable, or the PBC Treasurer is a non-voting committee member and employee of the Manager, approval in writing should be obtained from the PBC Chairperson or any other Committee Member as nominated by the PBC Executive Committee.

PREAMBLE – Motion 2

SCCSL was established in 2006 as an unlisted Public Company dedicated to providing Body Corporate Management and Administration, Asset and Facilities Management and Security Services to the PBC, residential Lot Owners in RBCs, and the PTBC.

Current Ownership of SCCSL

50% of the 1000 issued shares in SCCSL are owned by the PBC and the remaining 50% by the PTBC.

Shareholders Agreement (SA) and Composition of the SCCSL Board

The relationship between the existing shareholders (PBC and PTBC) in managing and directing SCCSL is governed by a Shareholders Agreement (SA), the latest version being signed by the Shareholders on 4th November 2019.

Per Clause 5.5 of the existing SA, the Board of SCCSL may consist of a maximum of up to 5 Directors, 2 nominated by the PBC, 2 nominated by the PTBC and by agreement between the PBC and PTBC, a further 1 Independent Director *may* also be appointed. This Independent Director *may but does not have to be* appointed as Chair.

Rationale for Appointing Additional PBC Nominee Director

Currently, the PBC has only 1 Nominee Director (Stuart Shakespeare) appointed to the Board. Given that the PBC (and RBCs) directly and indirectly are budgeted in FY 2024 to contribute 82% of total SCCSL Administration and Management Fees, 94% of total SCCSL Security Fees and 89% of total SCCSL Fees, the PBC Executive Committee recommend that the PBC utilise their right to nominate an additional Director to represent the PBC’s interests on the SCCSL Board.

The PBC Executive Committee further recommends that the PBC nominate Paul Kernaghan to be appointed to the SCCSL Board. Paul is a PBC Executive Committee Member and has had an extensive Senior Executive career in Financial Services and is a Company Director with extensive experience in Finance, Strategy, Compliance and Corporate Governance. He is an Economics Graduate; a Chartered Accountant and holds the Graduate Diploma from the Australian Institute of Company Directors. Paul’s CV is attached for further information.

Note: The PTBC within 3 weeks of the date of receipt of the official notice of nomination, may lodge a Notice of Objection to the PBC but must provide specific bona fide reasons for the objection.

2 Body Corporate - PBC Appointment of Additional Nominee Director to Board of SCCSL & Subsidiaries (Agenda Item 5.2)

Proposed by: PBC Chairperson

THAT per Clause 5.6 of the SA, the PBC give notice to the Company (SCCSL), and the PTBC as 50% shareholder, of the intent to appoint an additional Nominee Director (Paul Kernaghan), to the Board of SCCSL and Subsidiaries. The notice includes a copy of Paul’s detailed resume, with a date for the appointment (Notice of Appointment) to take effect 4 weeks from the date of the passing of this resolution. **Annexure A**

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: _____

PAUL KERNAGHAN

M: 0430 300 122

E: Paul.kernaghan@icloud.com

Profile

An experienced former insurance industry Executive. Currently a Non-Executive Director of MIPS Insurance Pty Limited and Chair of MIPS Group Audit Committee and MIPS Group Risk & Compliance Committee. Extensive track record in strategy, finance, risk management, business unit operations, M&A, due diligence, marketing, and communications.

Diplomatic, respectful, and collaborative style in engaging with multiple internal and external stakeholders. At the same time persistent, challenging, and tenacious in the pursuit of good decisions and monitoring progress towards desired outcomes.

Career Summary

Medical Indemnity Protection Society Chair Group Audit Committee Chair Group Risk and Compliance Committee	Dec 2019 - Current
MIPS Insurance (MIPSI) Pty Limited Non-Executive Director	Dec 2017 - Current
Sydney Children's Hospitals Foundation (SCHF) Chief Operating Officer	Jan 2017 – Dec 2018
Allianz Australia – Executive Roles	Nov 2004 – Oct 2015
Acting CEO Territory Insurance Office (TIO)*	Dec 2014 – Sept 2015
Chief Market Manager*	Jan 2009 – Sept 2015
Chief General Manager Corporate Services*	Nov 2004 – Dec 2008
Chief General Manager Workers Compensation Division*	Dec 2004 – Jan 2006
*Concurrent roles	
Allianz Australia – Boards	Nov 2004 – Oct 2015
Joint Company Secretary Allianz Australia Limited and Subsidiaries	
Director Allianz Australia Workers' Compensation (NSW) Limited	
Director Allianz Australia Workers' Compensation (VIC) Limited	
Director Allianz Australia Claim Services Ltd	
Director Allianz Australia Partnership Services Pty Ltd	
Director Allianz Australia Share Plan Limited	
Heath Lambert Australia	Oct 2003 – May 2004
Chief Operating Officer	
AMP	Jan 1999 – Sept 2003
Corporate Strategy Executive	Oct 2001 – Sept 2003
Finance Director, Integration & Divestment Executive (General Insurance)	Jan 1999 – Sept 2001
Prudential PLC (Australia, NZ, and UK)	Sept 1990 – Dec 1998
Various Finance, Strategy and Program Director roles	

Career Highlights

- Successful oversight of the implementation of frameworks and controls to comply with major new or substantially modified regulatory standards, including AASB 17 (IFRS 17) new insurance accounting standard, APRA standard CPS 220 Risk Management, APRA Standard CPS 234 Information Security, APRA Standard CPS 190 Recovery Planning.

- Merger of the charitable operations supporting the Sydney Children's Hospitals at Randwick and Westmead, with significant upgrade in the quality and effectiveness of corporate governance functions.
- Successful integration of the Territory Insurance Office based in Darwin with the operations of Allianz Australia Limited.
- Led development of Corporate Strategic Plans with Senior Executives at Allianz over the period 2005 – 2015. Identified and shaped necessary programs of initiatives together with appropriate execution and control frameworks. Resulted in sustained growth of circa 10% pa and ROC's exceeding 18%.
- More than doubled the strength of the Allianz Brand in Australia and established major sponsorships with the SCG Trust re the Sydney Football Stadium, The Australian Paralympic Committee and Wheelchair Sports NSW.
- Transformation of customer experience in Allianz Australia through execution of multi-year customer experience programs, including introduction of NPS methodology, cultural change through roll out of customer experience principles and redesign of products, systems and processes. Achieved market leading NPS scores in several business units.
- Executed successful multi-media brand response campaigns across Direct and B2B channels utilising data and analytic capability. This supported organic business growth of circa 10% pa. Launched award winning Allianz TV commercials 2011 – 2014.
- Implemented Corporate Innovation Program (Innov8) into Allianz Australia business units generating 7000+ idea submissions with a 25% implementation rate.
- Launched market leading mobile applications in Allianz Australia, virtual assistance avatar, live chat and click to call technology and introduced responsive design across Allianz digital front ends. Allianz Australia received the worldwide Allianz Group award for digital innovation in 2013.
- Successful license renewals for Allianz' State Workers Compensation businesses in NSW and Victoria and Underwritten businesses in WA, ACT, NT and Tasmania, and successful tender for NSW TMF. Record profit for the business unit in 2005.
- Completed the integration of AMP and GIO and implemented the successful divestment of AMP's general insurance operations to Suncorp Metway.
- Successful integration of Prudential NZ with NZ Life.

Education and Professional Qualifications

- BA (Hons) Economics – University of Essex.
- FCA – Fellow of the Institute of Chartered Accountants in England & Wales.
- GAICD – Graduate Diploma of the Australian Institute of Company Directors

Other Interests

- Tennis, golf, gym.
- Wine tasting.
- Cinema and theatre.

**CORRESPONDENCE
FOR INFORMATION**

17 November 2023

PBC Executive Committee

PO Box 15

Sanctuary Cove QLD 4212

Transmission via email: psc@scove.com.au

Dear Executive Committee,

VOTE OUTSIDE COMMITTEE MEETING – 14 NOVEMBER 2023

I refer to the motion “Legal Expenditure” proposed by the Principal Body Corporate Executive Committee (the PBC EC) at the recent Vote Outside Committee Meeting on 14 November 2023.

Accompanying the voting paper was correspondence from the Secretary and Treasurer of the Principal Body Corporate (the PBC) that raised concerns with the validity of the motion for members to consider before casting their vote.

Despite the concerns that were raised, the PBC EC did not seek to amend or revoke the motion and it was passed by a majority of the PBC EC on 16 November 2023.

This correspondence is issued on behalf of Sanctuary Cove Community Services Limited (the Company) and details how the Company will be dealing with this decision of the PBC EC.

The Company’s position is that the decision of the PBC EC is ultra vires for the following reasons:

1. The PBC EC does not have the statutory power to authorise the Company to undertake expenditure and engage a law firm on behalf of the PBC. This direction must be given by the PBC in general meeting. However, the resolution proposes that the PBC EC will be approve expenditure within particular limits.
2. The PBC EC cannot seek to alter the Shareholders Agreement (the Agreement) by restricting the Company from entering into contracts for the provision of services (including legal services) in the way the Agreement contemplates when the PBC, in general meeting, agreed to enter into and be bound by the Shareholders Agreement. However, the resolution proposes to place a ban on the Company from obtaining legal advice under the Agreement unless the Company obtains the PBC EC’s approval.

In accordance with section 45 of the *Sanctuary Cove Resort Act 1985* (Qld), the Company will not be treating this resolution as a decision of the PBC given that the PBC EC did not have the statutory power to pass the motion.

Each member of the PBC EC is put on notice that should it disregard this correspondence and engage a law firm without obtaining the PBC's approval in general meeting, the protection afforded by section 47A of the *Sanctuary Cove Resort Act 1985* (Qld) will not apply. That is because the decision of some PBC EC members to vote in favour of the motion in circumstances where they were made aware that it would be contrary to legislation and beyond power, is demonstrative of bad faith and/or negligence.

If I have misunderstood the PBC EC's intention behind the resolution, I would welcome a response to clarify its position so that I may revise the Company's stance if necessary.

Yours Sincerely,

BWatling

Brogan Watling

In-House Counsel

20 November 2023

WITHOUT PREJUDICE

Ms Brogan Watling
In- House Counsel
SANCTUARY COVE COMMUNITY SERVICES LTD (the Company)
PO Box 15 Sanctuary Cove QLD 4212

(transmission via email to the secretary of the Company at dale.stgeorge@scove.com.au)

Dear Ms Watling,

We refer to your correspondence dated 17 November 2023.

The Executive Committee wishes to advise that you have misunderstood its intention with respect to the motion resolved via VOC 14 November 2023.

1. The motion recommended by the EC will be submitted to the PBC at a general meeting. It is intended to clarify the process with respect to the commissioning of legal advice and the resultant expenditure. Concern about the spiralling cost and quantum of legal advice is widespread amongst the PBC members. The PBC EC members are acting in good faith to protect the interests of the Sanctuary Cove lot owners.
2. S 46 of SCRA prohibits the PBC EC from "undertaking" expenditure ie, the EC cannot initiate expenditure. The resolution which has been passed by the PBC EC for recommendation to the PBC does not allow the EC to "undertake" expenditure. It imposes control on the expenditure of legal expenses in a PBC approved budget, as is an expected fiduciary duty.
3. The PBC EC motion, if passed by the PBC, will be a decision of the PBC. SCRA 47(AB) clearly states that the PBC may revoke any instrument of delegation which will include the Shareholders Agreement and the Administration and Management agreements. QLD legislation (SCRA) will take precedence over any instrument of delegation, therefore any approved PBC motion will not be "out of order".
4. You advise that the Company will refuse to abide by the resolution of the PBC EC and PBC (should it be passed). We find your response unacceptable. In doing so the company will be in breach of its contractual obligations and we will consider invoking the Dispute Resolution Procedure should the Company's position not change. Please note that the Company exists to fulfill the requirements of the PBC and not the reverse.
5. The suggestion that the PBC cannot monitor and approve the services that the Company provides to the PBC is not accepted. Note that the lot owners, represented by the PBC, provide up to 90% of funding to the Company.
6. We note your threats regarding statutory protection afforded PBC EC members. Your opinion is worded as a statement of fact. You may wish to reconsider your claim.

7. The reissue of 34 pages of legal advice by the Secretary and Treasurer of the PBC is of no value to the PBC EC members, as not one piece addresses the core purpose of the motion ie, to control and monitor the escalating costs of legal services.

This confused mixture of documentation was previously presented to the PBC on a different matter.

The time and resources expended by the SC Body Corporate Manager and yourself, in making known your opinions to the PBC EC, provide no benefit to the PBC members and are a highly questionable use of PBC resources.

The PBC EC members now consider this matter closed.

Yours sincerely,



Stuart Shakespeare
Chairperson, Principal Body Corporate
(for and on behalf of the Executive Committee)

23 November 2023

PBC Executive Committee
PO Box 15
Sanctuary Cove QLD 4212
Transmission via email: psc@scove.com.au

Dear Executive Committee,

PROPOSED MOTION TO PBC – LEGAL EXPENDITURE

Thank you for your correspondence clarifying the intent of the resolution of the PBC EC passed on 16 November 2023 which was not clear on its face.

With respect to paragraphs 1, 2, 3 and 4 of your correspondence, I respectfully disagree with the PBC EC's position and still hold concerns as to the validity of the motion to be submitted to the PBC for the following reasons:

- Approval of a budget by the PBC is not authority for expenditure by the PBC EC. The current motion wording does not permit the PBC to decide how and on what specific legal advice its budgeted costs are spent on as the motion contemplates that this decision will rest with the PBC EC.
- The motion attempts to circumvent the provisions of the *Sanctuary Cove Resort Act 1985* (Qld) (the SCRA) by permitting the PBC EC to undertake expenditure in conflict with section 46 and without obtaining specific approval from the PBC for each instance of expenditure.
- The motion also attempts to amend the terms of the Shareholders Agreement (by the PBC EC's own admission) where such terms can only be amended by all parties in writing, which has not occurred. The Shareholders Agreement is not an "*instrument in writing*" as contemplated by section 47AB which relates to the appointment of a body corporate manager.
- My correspondence of 17 November 2023 did not state that the Company would refuse to abide by a decision of the PBC in general meeting. It said that the Company would not treat the PBC EC's resolution as a decision of the PBC which is entirely consistent with section 45 of the SCRA.

The Company has raised these matters with the PBC EC not to cause frustration but to discharge its duty under clause 4.1(b) of the Administration and Management Agreement and ensure that, to the best of its ability, the PBC complies with applicable laws.

With respect to paragraphs 5, 6 and 7 of your correspondence, I do not intend to engage with you on this as it does not directly relate to the issue of the validity of the proposed motion.

Finally, on 25 September 2023 the PBC EC passed a resolution requiring the Company to issue the agenda for a forthcoming general meeting 14 days in advance of the date of the meeting. The PBC AGM has been set for 11 December 2023. Accordingly, the notice needs to be issued by 27 November 2023. Please ensure any motions or amendments are received by the Company no later than 4pm on Friday, 24 November 2023 by emailing psc@scove.com.au.

Thank you.

Yours Sincerely,

BWatling

Brogan Watling

In-House Counsel

ITEM 4

From: [Judy Grimsey](#)
To: [RBC - Livingstonia](#); [Jodie Cornish](#)
Cc: [PBC](#)
Subject: Trouble in Livingstonia
Date: Wednesday, 29 November 2023 7:58:48 AM
Attachments: [image001.png](#)
[Trouble in Livingstonia communication.pdf](#)
Importance: High

Hi Brian and Jodie

Please respond to and confirm my below email.

Please include This request in today's Livingstonia Committee Meeting and the PBC Meeting tomorrow 30th November 2023.

Kind regards



Judy Grimsey
Director
Littlehaven Pty Ltd

M.
P.
E.
A. PO Box 747, Sanctuary Cove, QLD, 4212
W. www.aipsqld.com.au

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From: Judy Grimsey
Sent: Sunday, November 26, 2023 1:17 PM
To: RBC - Livingstonia <livingstonia@scove.com.au>; Jodie Cornish <jodie.cornish@scove.com.au>
Cc: PBC <pbcc@scove.com.au>
Subject: Trouble in Livingstonia
Importance: High

Hi Brian and Jodie

Re: 5133 St Andrews Tce:

I am writing in reference to 'A list of objectives/requests' put forward at a gathering of 'certain' Livingstonia Lot Owners on the 12th November 2023, that has the possibility of involving 'all' Livingstonia Lot Owners.

Barry and I signed an attendance sheet, that has been used to say that we are in agreeance with these 'requests' (It was not a vote paper) and we do not agree. A communication has since been put forward by Peter Bath to be included in the Livingstonia Committee Meeting to be held on Wednesday 29th November at 11.00am, and, also, the PBC Meeting to be held on Thursday, 30th November 2023.

Please note: Barry and I wish to categorically withdraw our names (and vote) from this communication and any motion that may be created in relation to this communication.

Also note: Barry is not eligible to vote in any case.

Thank you Brian and Jodie, please confirm to me that my request has been adhered to.

Kind regards



Judy Grimsey
Director
Littlehaven Pty Ltd

M.
P.
E.
A. PO Box 747, Sanctuary Cove, QLD, 4212
W. www.aipsqld.com.au



28 November 2023

SFSW Investments Pty Ltd
15 Long Island
Mermaid Waters, QLD 4218
Transmission via email:

Dear Sarah,

**REQUEST FOR WATER LEVY EXTENSION
PROPERTY 8981 THE POINT CIRCUIT, LOT 47 ALYXIA GTP 107456**

We are writing to provide an update on the request for temporary water bill levy extension until a plumber has attended to assess.

We confirm after the discussion in the PBC EC meeting held yesterday on 27th November 2023 at 9:00am. It was decided by the committee that they require more information from the plumber before making a decision.

Could you please provide this additional information from a plumber at your earliest convenience.

For and on behalf of
Sanctuary Cove Body Corporate Services GTP 202

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

Dale St George
Secretary
Sanctuary Cove Body Corporate Services Pty Ltd



28 November 2023

Mr Stuart Shakespeare

Transmission via email:

Dear Stuart,

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.
- At this time, the agenda for the October EGM of the PBC had already been issued so the motion for the election to be by way of Open Ballot could not be put to that general meeting. Accordingly, it was put on the agenda for the next EGM of the PBC which is scheduled for 30 November 2023.
- Separately, the EC decided that it wanted to go beyond the requirements of the *Building Units and Group Titles Act 1980 (BUGTA)* and impose a further time limit by directing our office to issue the agenda of an upcoming general meeting 14 days prior to the meeting. It did that at the EC meeting held on 25 September 2023, followed by the PBC EGM held on 28 September 2023. The requirement in BUGTA is that the notice be issued a minimum of 7 days prior to the meeting. Issuing the notice 14 days prior does not conflict with this provision and it is a direction the EC is entitled to give.
- Accordingly, we arranged for the notice and agenda of the upcoming AGM to be issued yesterday (14 days prior to the meeting). If we had not complied with the EC's decision to issue the agenda 14 days prior to the general meeting, my team and I would have been acting contrary to a direction from the EC.

With respect to your comment that the EC's decision regarding the election was not a 'restricted matter', I again disagree with you. Section 45 of the *Sanctuary Cove Resort Act 1980 (SCRA)* very explicitly defines a restricted matter to be "any matter a decision on which may, in accordance with any provision of this Act, only be made by the principal body corporate pursuant to a special resolution or in general meeting of the principal body corporate...". Schedule 3, item 2(2) of the SCRA specifically provides that a ballot for membership of the EC must be a Secret Ballot unless the body corporate decides by ordinary resolution that the election will be by Open Ballot.



I will not provide “*whatever assistance is necessary*” to facilitate the EC in acting beyond its powers and in contravention of the legislation that governs it, and I find it incredibly concerning that I am being asked to act in that way.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Dale St George'.

Dale St George
Secretary
Sanctuary Cove Principal Body Corporate

Mulpha Sanctuary Cove Body Corporate Feedback session

29 November 2023

Sanctuary Cove Golf and Country Club

Meeting notes

	Subject	Action
1.	<p>Welcome to all by Tim Spencer and Barry Teeling</p> <ul style="list-style-type: none"> • The idea of this session is to provide information and seek feedback on the current status of the investment strategy into Sanctuary Cove and work collaboratively with all of you to positively enhance the whole of Sanctuary Cove to ensure it is recognised as a key destinational place on the Coast. • This event is not about discussing SCRA, Levies or any specific Body Corporate items. • Feedback is welcome as we present • We will be hosting a second session in the new year 	
2.	<p>Developments</p> <p>Harbour One</p> <ul style="list-style-type: none"> • Proposed completion Late 2024 <p>Horizon</p> <ul style="list-style-type: none"> • Project now complete with people now moving in • Mulpha proud of the final product produced, especially the results from spending circa \$1mon landscaping/ street scaping <p>Lot 52</p> <ul style="list-style-type: none"> • Currently tied to 2022 rezoning application/ awaiting approval • \$ • SCRA requirements limit building to 4 storey • Current ideation sees 4 Buildings - 3 containing apartments and a row of townhouses • Harbour and golf course views • • Mulpha envisions construction may commence in 2025 and will take approximately 2 years to build <p>Parkway Villas</p> <ul style="list-style-type: none"> • Approved parcel of land owned by Mulpha - 20 lots • An additional parcel of land has been acquired from the golf club to enable the inclusion of a turning circle at the end of the roadway and slightly larger lots to the south. • Increase size of lots ensures Sanctuary Cove premium positioning • At this stage it is proposed as land lots only, however Mulpha may build some display homes to demonstrate housing possibilities. • Project targeted to commence early 2024 for mid year completion 	Barry Teeling

	<p>Relocation of gates</p> <ul style="list-style-type: none"> • Relocation of gates delayed from initial start date of 20/11 due to challenges with unearthed Energex equipment • Gates to be moved west of current position by 300 metres • No works to be commenced until after 2024 boat show • 3-4 week project commencing in June 2024 • No narrowing of Varden Lane/ roadway as result of the relocation however further information will be shared confirming this with updated diagrams • Challenges managing resident access and construction activity access • Diversions will be in place during construction of new gates within 3-4 week project • Road to be resurfaced post completion of relocation • Currently undergoing further consultation ie traffic management <p>The Fairways / Lot 10/ Aveo</p> <ul style="list-style-type: none"> • Application for residential land development • 110 land lots • Envisioned to be Developed in 3 stages • Sporting field to remain untouched for as long as possible but will ultimately be removed <p>Cypress Point</p> <ul style="list-style-type: none"> • It is not envisioned that Cypress Point/ Chapel area will be developed within the next 5 years. • Moving the Sports field to Cypress Point has been discussed however planning challenges potentially impact this. <p>Developments impact to car parking</p> <p><i>Question 1</i> <i>Over the last few years and particularly with the Harbour One development the village seems to have lost between 20 – 25% of car parking spaces, is there any plan in place to increase the current spaces available.</i></p> <p>We recognise this is happening and are constantly looking at options to allow more onsite parking – this is a constant internal discussion and we will continue to look at areas that can be used..</p> <p><i>Question 2.</i> <i>Are there any further developments coming up that will take further parks away from the current amount of parking spaces?</i></p> <p>No, the level of activity and impact from the ongoing developments is exactly how we have outlined. Our hope is to find a way to increase parking spots within the precinct.</p>	<p>Tim Spencer</p> <p>Barry Teeling Tim Spencer</p>
3.	<p>Assets and retail Leasing and the village</p>	<p>Steven Schneider</p>

<p>Property improvement plan underway</p> <ul style="list-style-type: none"> • Ongoing push to improve the village look through maintenance upgrade of landscaping/ painting/ cleaning • Looking at options for sustainability in the village • Looking to introduce more medical and appointment driven services available within the village • Refurbish retail spaces to make them more inviting • Consistent 7 day trade within the retailers including Mulpha assets is recognised as important • Food and beverage more complimenting quality on offer in line with current trends • Proactive and positive approach to marine vicinity <p>Marketing</p> <ul style="list-style-type: none"> • Develop more engaged audience through marketing channels • Ongoing activations within the village in support of retailers • Partner with Mulpha divisions to engage residents in support of retail offer <p>Future</p> <ul style="list-style-type: none"> • More F&B in line with current and future dining trends • Better standard and mix of retailers to make visiting the village more enticing • Proactive approach to 7 day trading to encourage a love of the village <p><i>Question 1.</i> <i>If Mulpha are looking to encourage and implement a 7 day trading requirement for all retailers are Mulpha prepared to get the ball rolling by instigating a 7 day trading requirement with their own venues ie The Cove and loesco?</i></p> <p>Yes this is currently under discussion within Mulpha at present.</p> <p><i>Question 2.</i> <i>Can Mulpha please provide details around the parking and availability of parking within the village precinct as it seems that there is a loss of up to 25% of spaces at present particularly around the shopping and Marina area? Additionally are there any plans to close down the entire auto thoroughfare near the old artichoke?</i></p> <p>We understand this is an ongoing issue within the village and we are looking to find solutions to make available more parking options.</p> <p>There has been discussion around stopping vehicles entering that throughfare roadway within the precinct and Marina and we will take onboard your concerns and look into further for our next meeting</p> <p><i>Question 3.</i></p>	<p>Tim Spencer Steven Schneider</p> <p>Steven Schneider</p> <p>Time Spencer</p>
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<p><i>Are Mulpha keen to bring back or reinstate a signature restaurant within the precinct to upgrade the offering for F&B</i></p>	<p>Steven Schneider</p>
<p>Yes the leasing team is looking into the current mix of offers within the precinct and seeking out tenants that fit the future of the village vision.</p>	
<p><i>Question 4. Has Mulpha plans in development to stop the illegal parking within the village precinct?</i></p>	<p>Barry Teeling Steven Schneider</p>
<p>Yes this is under discussion at the moment and we hop to have a more formal determination in the near future.</p>	
<p><i>Question 5. We once had a farmers Market within the precinct that was heavily supported by the residents and community. Is this even going to be reinstated?</i></p>	<p>Steven Schneider</p>
<p>Yes. From the day I commenced working within Sanctuary Cove I have wanted to reinstate this type of activity. It will happen in 2024.</p>	
<p><i>Question 6. Are there plans for any new offering where Artichoke has previously resided.</i></p>	
<p>Yes there are a range of options currently being discussed about this space at lot 44 and we can confirm this will be leased in line with the Mulpha vision. A Yacht Club has been proposed in addition to a number of other F&B offerings currently on trend.</p>	<p>Tim Spencer</p>
<p><i>Question 7. Are there plans to have a permanent on the ground leasing representative at Sanctuary Cove?</i></p>	
<p>Nothing to report regarding that at this stage although we agree that the idea has merit.</p>	<p>Tim Spencer</p>
<p><i>Question 8. The current offer is nothing like the level it needs to be particularly when you consider Capri on Via Roma, a centre that Mulpha owns, has a Harris Farm and a range of amazing outlets that residents from here make the trip to go shopping and dine out. Why does Sanctuary Cove not have that same offer?</i></p>	
<p><i>There is a new IGA superstore opened at Southport that is just stunning and many residents from here travel to these spots to do their shopping and social activity – Residents vote with their wallet and they</i></p>	

	<p><i>Does Mulpha have any strategy in place to increase the quality of the offer for residents and visitors to loesco and the Cove?</i></p> <p>This is a constant work in progress for the entire team at Mulpha and we are continuing to work with the venues to better service the precinct and increase patronage.</p> <p><i>Question 3.</i> <i>Why did Mulpha buy loesco off Max and Amanda and are there any plans to bring them back to the village for a high end eatery?</i></p> <p>Max wanted to retire and due to the challenges the venue would face with the Harbour One development we purchased the venue from him and contracted them both to work through the changeover for the next year. There are no plans to reinstate them within the village and contractually this is not a possibility.</p> <p><i>Question 4</i> <i>Will Mulpha consider recreating a signature restaurant for the village or consider engaging a high profile chef to open a F&B venue within the precinct?</i></p> <p>We are working towards this with the leasing team in Sydney.</p>	<p>Tim Spencer Steven Schneider</p> <p>Time Spencer</p> <p>Steven Schneider</p>
7.	<p>Community</p> <ul style="list-style-type: none"> • Community hub in place for 2024 between Rise bakery and Cabana in the village • Activations for the residents and body corporate proposed for 2024 and beyond • Hope the Hub will provide opportunity for everyone to feel they can have a voice • Bimonthly updates from February onwards in intimate setting with Division heads to discuss upcoming concerns and divisional updates • Pop up activations this year – register at yoursanctuarycove.au • True voice for the community • Update and interactive website for 2024. 	Amanda Sams
8.	<p>Events</p> <ul style="list-style-type: none"> • Boat show tickets launch underway • Resident offer remains in place • Parking restrictions in place during the event <p><i>Question 1</i> <i>Do residents get free access to the boat show?</i></p> <p>Yes as in all past years we provide residents with complimentary access and entry to the Boat show.</p> <p><i>Question 2</i> <i>Parking options for residents during the boat show?</i></p>	<p>Johan Hasser Corey Rattray- Wood</p> <p>Johan Hasser Corey Rattray- Wood</p>

	We are always challenged around parking spaces available for the residents during the Boat Show and as we have just outlined there are areas for parking available although they are not within the actual precinct. We recommend all residents access the Boat Show without transport ie walking	Johan Hasser Corey Rattray- Wood
9.	Questions? PTBC member Thank you Mulpha for taking the step to organise this feedback session – it shows commitment to the future of Sanctuary Cove and we appreciate be involved.	
10.	Next Steps We will create meeting minutes from this session and provide those to PTBC at a later time. We will also be looking to set a date late February for an update and revision regarding your feedback from session and will coordinate this with Dale and his team.	Barry Teeling

Communication to all RBC Member Nominees from the Washingtonia MN, regarding Motion 4 (Legal Services) on the Agenda of the upcoming AGM, to be held on 11 December 2023.

In my capacity as an EC member, and as the initial proposer of this motion to the EC, I feel it necessary to comment on the correspondence for information (No 5,6 &7) related to this motion.

The manager acting as Secretary and Treasurer of the PBC has claimed this motion is invalid and the Chair should rule it “Out of Order” on grounds that the motion is an attempt to undertake expenditure outside the EC authority.

I wish to point out that the EC members take their fiduciary duties to the lot owners of Sanctuary Cove seriously, and a major part of this responsibility is the oversight of budget expenditure. I therefore wish to point out that the motion 4 preamble **clearly** states to “**control escalating legal expenditure**” and I emphasise that this motion is **not seeking to undertake or initiate expenditure by the PBC EC**. It is intended to ensure that appropriate financial controls over the spending of PBC approved budgeted funds are in place.

I would appreciate you clarifying this point with your committee’s when considering your vote on this motion.

Regards



Tony Ellingford

20/11/2023



4 December 2023

Dear Members Nominees,

Further to the correspondence from the Members Nominee for Washingtonia which aimed to provide an explanation regarding Motion 4 which is to be voted upon in the upcoming AGM, please be advised that:

1. The following legal expenses have been budgeted for the 2023/2024 Budget.

A detailed summary of these expenses is reviewed by the Finance Subcommittee and included in the monthly Operations Report – noted each month by the PBC Executive Committee.

It is unclear why a \$150,000 budgeted line item out of an \$11 million operating budget is a focus of the PBC EC.

Entity	Subject	Ave Per Year
PBC	Election of PBC Committee	383
	Review Gazetted By-Laws	16,733
	RBC s	4,261
	Easements	400
	Manit of Embankments	5,000
	Members nominees Appointments	1,000
	Short Term Rentals	2,000
	Water Charging	1,224
	OptiComm	20,000
	Compliance enforcement	15,000
	Changes to BUGTA	4,000
	[REDACTED]	25,000
	PBC - Re-Zoning	5,000
	Legal Review and standardisation of forms and procedures	25,000
	SCRA	25,000
Total Legal Expenses		150,000



2. The Member's Nominee has confirmed that, despite the authorisation limits set out in the motion, the motion is not an attempt by the PBC EC to undertake expenditure. It is unclear what role the authorisation limits play in the motion as they are not explained, but the PBC should be satisfied that this motion will not be authority for the PBC EC to undertake legal expenditure and does not require a special resolution to pass.

If the PBC EC at a later stage was to allege that the motion somehow gave them expenditure authority, the correspondence from the Member's Nominee could be relied upon to refute such contentions.

3. The PBC is a party to the Shareholders Agreement (the PTBC and SCCSL are also parties) which governs the relationship of these parties who established SCCSL as equal shareholders (50/50).

Specifically, the PBC and PTBC established SCCSL for the purpose of being a holding company to provide services to the Resort. Those services are broadly defined in the Shareholders Agreement and extends to the provision of dispute resolution services.

The CEO is responsible for the provision of such services and is authorised to enter contracts to provide the services and recover the costs from the shareholders.

Explained in another way, the CEO can obtain legal advice that the PBC is required to contribute to in accordance with the terms of the Shareholders Agreement. This is necessary to ensure the efficiency of SCCSL.

However, Motion 4 attempts to place a restriction on SCCSL from undertaking its duties under the Shareholders Agreement by restraining SCCSL from obtaining any legal advice that will impact the PBC budget.

The PBC does not have the authority to make such a decision. In accordance with clause 27 of the Shareholders Agreement, the Shareholders Agreement may only be varied in writing signed by each party.

However, the PBC should think very carefully about how this motion may affect the current operation of SCCSL and in turn, the provision of services to the PBC.



Unless this motion is withdrawn before the AGM, the Chairperson should rule it 'out of order' as it would be unenforceable.

If this motion passes, it will not be binding on SCCSL and its contracted responsibilities and duties to both the PBC and PTBC.

Kind Regards

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

Dale St George

PBC Secretary

COMMUNICATION TO MEMBERS NOMINEES

Issue No 2

7 December 2023

Dear Members Nominee

It is with some reluctance that I write this communication in response to the one you received from the Sanctuary Cove PBC Secretary, Mr Dale St George, on 4th December, regarding Motion 4 in the upcoming AGM, however I feel it is necessary to respond to some of Mr St George's assertions.

Let me say again that the intent of Motion 4 is to implement a more transparent and thorough process for the acquisition of legal advice for the benefit of the PBC.

It should be noted that seeking legal advice often escalates and therefore it is important that the PBC has some oversight of legal briefs before they are committed to.

In his communication of 4th December, the Secretary has offered a legal opinion that the SCCSL Shareholders Agreement overrides SCRA and that therefore he as CEO of SCCSL has sole discretion to determine how PBC funds are expended.

It is the opinion of the members of the PBC EC that an agreement between individuals or entities cannot override any legislation, and SCRA provides the PBC with the ability to vary delegations to the Body Corporate Manager in section 47AB(1).

Setting aside these conflicting opinions, the real issue is whether an increase in oversight of the expenditure of PBC funds to acquire legal advice is a good idea?

We, the Executive Committee think it is, and we wish to serve the needs of the PBC in this regard by clarifying how that process operates in future.

If the PBC passes the motion, and Mr St George chooses to see it as non-binding on SCCSL, the PBC will then need to seek a resolution of our difference of opinion. This will be unfortunate and, I feel quite unnecessary, when we are simply seeking to add checks and balances to the expenditure of PBC funds.

I ask that you share my communication and consult with your RBC members so that our community is aware of our endeavour to provide open, transparent, and inclusive governance.

Yours sincerely,



Stuart Shakespeare
Chairperson, Principal Body Corporate
pbc@scove.com.au

Hi fellow Member Nominees

I have read the Chairman's newsletter (No.2) and the various other pieces of correspondence that have been distributed in respect to Motion 4 - Legal Expenditure at the upcoming AGM. I have the following comments to make in respect to this matter.

The budget for Legal Expenses indicates allocated amounts to fund specifically anticipated legal matters in the 2024 year. In order to expend these monies management is required to use the budget to guide their spending. Any material deviation from the earmarked amounts or additional spending on legal services would require the approval of the PBC.

A motion to circumvent these established practices is contrary to Section 46a of the SCRA which states that "*Unless otherwise determined pursuant to a special resolution of the principal body corporate... the executive committee shall not undertake expenditure*". This means that the motion would potentially circumvent the intention of this section of the SCRA.

The Legal Expenditure under the Budget is NOT discretionary for the EC to spend on whatever they determine to be a priority. One of the few oversight controls that the PBC has over the operations/decisions of the EC is in respect to expenditure. The EC is unable to approve expenditure in its own right. Monies allocated through the budget process should be directed to the legal expenditures earmarked in the Budget. In order to comply with the SCRA, expenditure materially above the earmarked amounts for specific services in the budget requires approval by the full PBC.

If this motion were to carry forth as presented, it has the potential to allow the EC to direct up to the total budgeted funds to a single line item of legal expenditure at the expense of the other anticipated items under the Budget and all without any input by or even knowledge of the PBC. This too would be contrary to the SCRA.

It would appear that there is some thinking that there will be "*escalating legal expenditure*" at some point under the budget in 2024. A budget by its very nature is based on previous budgetary experience and likely anticipated costs. This is why the budget has been set at this amount. **If the EC believes that a line item under the Legal Expenditure budget requires additional funding, this needs to be brought before the PBC for approval.** At this stage the EC has given no indications throughout the year or in the preparation of the budget that any Legal Expenditure line items required additional funding. Where exactly do they anticipate the escalating legal expenditure to occur?

For "transparency" the EC should be following the earmarked expenditure. This motion acts to remove the "transparency" on how exactly the Legal Expenditure Budget monies will be spent.

Regards

Wayne Bastion
MN for Schotia Island

WITHOUT PREJUDICE

Communication to Sanctuary Cove Principal Body Corporate (PBC) Members Nominees

Good morning/afternoon fellow PBC members,

This communication is in response to the one you received from the members' nominee for Scotia Island on 07/12/2023. I am not normally an adversarial person, however, there are sometimes when a person cannot remain silent. This is the case when a decision might be made based on incorrect assertions.

At the Annual General Meeting on 11th December, you will be asked to vote on a motion to add some financial responsibility and control over the expenditure of funds for legal services. This is not an attempt by the executive committee to expend funds or limit the expenditure of funds. I believe that is a rumour seeking to discredit the responsible intentions of the PBC EC.

I note that s46a of SCRA is quoted to lead the reader into believing that the motion would potentially circumvent its intention and allow the PBC EC to undertake expenditure. That is wrong!

The motion seeks a simple 'check and balance' that is a regular and normal component of our lives as volunteers who are responsible for others' funds, in this case, the contributions that the lot owners of Sanctuary Cove make each year. I am not concerned about the expenditure of small sums to address the day to day running of Sanctuary Cove Body Corporate Services (SCBCS). I am concerned about the significant increase in expenditure and the need to have more than one pair of eyes oversighting this area of the budget. Currently, the CEO has the power to move the estimated amount from one line item in the legal expenses to another eg in the 2023/24 budget, a line item for SCRA is budgeted at \$25 000. This amount may be moved to another line item without any consultation with the PBC.

When you have another look at the motion, I am sure many of you will be familiar with the need for an additional signature prior to spending large sums. As suggested, the largest limit requires the consent of the full PBC membership. This is as it should be. After all, Sanctuary Cove lot owners are responsible for 100% of the funds contributed to this budget. I do not believe that consultation with another signatory will reduce the efficiency of service, especially when the request for a second signature is for larger sums.

The PBC is a party to the Shareholders Agreement with the Primary Thoroughfare Body Corporate (PTBC) and Sanctuary Cove Community Services Ltd (SCCSL). We are equal shareholders (50/50) with the PTBC despite contributing more than 80% of the funding to SCCSL, the provider of security and body corporate services. The PBC EC members have been informed by the CEO that certain PBC approved policies and terms of reference are overridden by the Shareholders Agreement. This allows the CEO sole and absolute discretion to initiate and spend budgeted legal expenditure. It is my opinion that the Shareholders Agreement does not override the Sanctuary Cove Resort Act. I believe we, as members of the PBC, have a responsibility to ensure there are appropriate controls over financial expenditure.

Since July 2023, the Body Corporate Manager has engaged an external legal counsel within SCCSL on a consultancy basis, and from December 2023 on a part time employee basis. PBC members should be aware that despite being a 50% shareholder in SCCSL, it has no control of the use of this internal counsel, as the person reports directly to the SCCSL CEO, not the PBC. The PBC should also be aware, that SCCSL Body Corporate Services costs are recovered via an Administration and Management Agreement charge to cover employee and other costs, and there is no transparency in the breakdown of this charge. Lot owners pay directly and indirectly over 80% of SCCSL's Administration and

Management fees, therefore in addition to legal costs charged directly to the PBC legal budget, we are also most likely paying a high proportion of the in house legal counsel's cost. In my opinion, the legal counsellor has provided no supportive advice to the PBC EC.

You might recall on 27/01/2022 we, PBC members, signed off on a Purchasing Policy that is based on a similar concept to the proposed motion ie financial responsibility (refer attached copy on page 5). It is currently being ignored. During the past year, I cannot recall the PBC or PBC EC having oversight over legal briefs for advice provided to external lawyers by the Body Corporate Manager/CEO (SCCSL). PBC EC awareness of these matters is usually after advice has been sought and provided. Such commitments without oversight are unacceptable as legal matters can rapidly escalate in cost and consequence.

The proposed legal motion is intended to reaffirm and strengthen the existing section on legal expenditure contained in the PBC Purchasing Policy.

Yours sincerely,
Cheryl McBride OAM
Members' Nominee for Roystonia
PBC EC Member

8 December 2023



Please supply by COB Friday 22 Dec 23:

- 1 A list of all banks and financial institutions that have accounts holding PBC funds.
- 2 The transaction statements from the above accounts for the current financial year.
- 3 The authorisation signatories of these accounts.
- 4 In accordance with the Administration and Management Agreement section 5.3 (d), provide an audited statement of the actual costs incurred for the Financial Year in providing the Management Services. This statement is due within 60 days of the end of the financial year, so by 31st December 2023.



Regards

Anthony John Ellingford
PBC Treasurer

From: [Anthony Ellingford](#)
To: PBC
Cc: [Dale StGeorge](#); [Stuart Shakespeare](#); [Brian Fair](#); [Nick Eisenhut](#); [Paul Kernaghan](#); [Derek Glinka](#); [Peter Cohen](#)
Subject: Re: Request for Information
Date: Thursday, 21 December 2023 6:33:01 AM
Attachments: [image001.png](#)
[image002.png](#)
[20231220_Request_for_Info_-_Treasurer.pdf](#)

Hi Jodie
Thank you for your response, I am disappointed that my request can't be facilitated in 3 days, considering that the PBC Chairperson formally requested this information on the 13th and 14th of December 23. However I will be available on January 11th at 9am to inspect the records requested, and would like to notify you in advance to prepare copies of requested records.
Enjoy the Festive season
Cheers
Tony Ellingford
PBC Treasurer

On 20 Dec 2023, at 10:46 am, PBC <pbcs@scove.com.au> wrote:

Good Morning Tony,

Thank you for dropping into the office this morning to pay the \$19.35 fee to request an inspection of the attached documents.

As we discussed, I have reached out to our finance team to understand their capacity in the lead up to our office closure. Unfortunately, due to the short time frame of this request, we will not be able to facilitate an inspection of the records prior to our office closure – being this Friday, 22 December 2023 at 4pm.

However, we could facilitate an inspection once our office re-opens in the New Year on Wednesday 10th January 2024, Thursday 11th January 2024 and Friday 12th January 2024 between the hours of 7:30am – 4:00pm. Could you please confirm if any of those dates and times suit you?

Your assistance and understanding are greatly appreciated.

Kind Regards,

JODIE SYRETT

Manager Body Corporate

Direct 07 5500 3326 | jodie.syrett@scove.com.au
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



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ITEM 15

From: [PBC](#)
To: [petercohen3](#); [Stuart Shakespeare](#); [Derek Glinka](#); [Anthony Ellingford](#); [Anthony Ellingford](#); [Brian Earp](#); [Paul Kernaghan](#); [Nick Eisenhut](#)
Cc: [Dale StGeorge](#); [Jodie Syrett](#)
Bcc: [Brogan Watling](#)
Subject: Legal Advice
Date: Friday, 22 December 2023 2:30:43 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Executive Committee

At the AGM, the PBC passed a motion imposing conditions on the commissioning of legal advice.

There are currently five legal matters the PBC has on foot that are being handled by Grace Lawyers which include:

1. Leslie v Buttner: DCBL Compliance
2. PBC rezoning: Lots 52 & 54
3. Livingstonia Florida Rooms: DCBL Compliance
4. PBC v Lot 41 Schotia Island: RZABL Compliance
5. PBC v Lot 37: RZABL Compliance

Please advise on whether the EC wants our office to instruct Grace Lawyers to place a hold on these matters so that the EC may provide comments in relation to any briefing or instructions.

Please consider this for discussion in the New Year.

Wishing you all a Merry Christmas and a Happy New Year.

Kind Regards,

JODIE SYRETT

Manager Body Corporate

Direct 07 5500 3326 | jodie.syrett@scove.com.au

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



ITEM 16

From: [Peter Cohen](#)
To: [Stuart Shakespeare](#); [petercohen3](#); [tmcginty52@gmail.com](#); [Caroline Tolmie](#); [shawlene](#); [Anthony Ellingford](#); [Derek Glinka](#); [Richard Sherman](#); [Gary Simmons](#); [Paul Kernaghan](#); [Brian Farp](#); [Wayne Bastion](#); [Mickmcdonald22](#); [mark winfield](#); [Nick Eisenhut](#); [longem@gmail.com](#); [G and J Burke](#); [nabilola](#); [rpeat](#); [robert nolan](#); [sjandos001](#); [andrewbrownsydney@gmail.com](#)
Cc: [Dale StGeorge](#); [PBC](#)
Subject: MEETING TO REVIEW OF ISSUES RELATING TO CHRISTMAS STORM
Date: Sunday, 31 December 2023 10:56:36 AM

Dear Members Nominees,

Whilst the impacts of the Christmas storm are fresh in our memories, and indeed, the flow-on effects are still being felt, we wish to invite you to a meeting on Monday January 8th at 9:30am to review “what worked...what did not....and what needs to be improved in the short and long term”.

We do not believe this review can wait for the next PBC meeting, which is not scheduled till February 28th.

We are of course aware that there were many positive efforts made by staff and neighbours to render assistance, and that the incident could not have happened at a worse time so far as staffing the response was concerned, but we also must identify those areas where improvements could be made from the perspectives of the residents, and that is the purpose of this meeting.

This is not a formal PBC meeting, and staff will not be present, but the conclusions will be relayed to BCS in time for a response at the February PBC Meeting.

If you are unable to attend, please see if an appropriate person from your RBC can make it.

Please respond to this message to advise your attendance or otherwise, or if you wish to make a written response. It would also be appropriate to check for inputs from your Committees/ residents.

Thanks and regards and Happy New Year,

Cheryl McBride, on behalf of the PBC Chairman.

8 January 2024

Dear Stuart Shakespeare,

Re: Information for PBC Review

The following information is provided to assist with the PBC review of the recent power outage at Sanctuary Cove.

The storm hit Sanctuary Cove at about 9.07pm on Monday 25th December and sitewide power outages occurred soon after. The mini tornado has been described as a 1 in 20 year event. All senior Management were in communication, and kept apprised by the Security Team.

Power Outage by RBC and Duration:

As the PBC/PTBC are not the electricity distribution network provider, we cannot definitively determine the regions or RBCs that experienced power outages, however the majority of Sanctuary Cove homes were affected. Feedback to Security staff at the gates indicate a small number of homes still had power which may indicate some homes with solar power retained electricity.

Power was initially restored to homes in the North Gate residential area around 10:00 pm on Wednesday, December 27th. Full restoration across the site occurred later that night at approximately 2:15 am. The total duration of the outage was just over 2 days.

Facilities/Security maintains an after-hours/emergency call-out list that encompasses various conditions/events, including electrical and plumbing issues, gate and CCTV faults and landscaping. This list is structured with a hierarchy of contacts to address these types of situations and events. situations.

Water Supply:

The potable water supplies remained uninterrupted during the time. However, residents were urged to conserve water, stormwater, and wastewater usage (Gold Coast City Council also issued similar notifications) due to the loss of electricity affecting several pump stations. To address potential capacity issues in pump wells during this period, vacuum pump stations were deployed.

Landscaping and Roads Blocked:

Several roads were temporarily blocked due to fallen trees.

- Olympic Drive - large tree near Bracken Lane blocking traffic. No driveways blocked and access available through the two open ends of the street. Tree cleared Wednesday 27th.
- Key Waters – tree temporarily blocking the road about halfway down the street. Chainsaw used to clear the road for single lane vehicle access. Tree cleared on the 27th.

- The Parkway outside Sylvan Lane – Tree blocking road towards the Boat Ramp roundabout. Chainsaw used to clear the road for single lane vehicle access. Tree cleared on the 27th.
- North Gate Entry – tree fell across the entry gate blocking the lane and chainsaw used to clear the road.
- Numerous trees were down throughout the site but none were blocking traffic.

Additionally, two (2) separate arborists were engaged and onsite Boxing day through to Friday 29th to ensure the prompt addressing of all trees identified as potential risks or hazards. Concurrently, on-site landscaping teams received specific directives to clear debris as a priority, including that of the lot owners from street verges. Street sweeping (SPS) contractors were mobilized ahead of schedule to conduct road sweeping, ensuring the removal of debris from roadways.

Upon the return from the holiday period, a thorough examination of landscaped areas across the entire site has been organised. This assessment aims to provide a comprehensive overview and will be conducted by qualified Arborists and Facilities Manager and will consider factors such as tree health, potential risks, and overall site aesthetics. This approach allows for early identification of any issues and facilitates strategic planning for necessary maintenance or improvements.

Communication and Comparative Reconnection:

It should also be noted that Sanctuary Cove in comparison to the rest of the Gold Coast Community was reconnected to electricity in a short period of time, and all residents were kept informed by text and portal messages.

In conclusion, the incident highlighted the effectiveness of our emergency protocols, collaborative efforts in debris clearance, and our commitment to resident communication. We look forward to any further inquiries or discussions on this matter.

Yours faithfully,

Mike Telea
Security Operations Manager
On behalf of Sanctuary Cove Community Services



PRINCIPAL BODY CORPORATE Sanctuary Cove

NOTES FROM INFORMAL MEETING WITH SC PBC MEMBERS NOMINEES 08/01/2024

SUBJECT : Feedback re Response to Tornado 25/12/2023

PURPOSE

1. To identify actions that worked well, those that did not, and unexpected outcomes.
2. To provide feedback to be included in SCBCS's evaluation of their coordinated response.
3. To recommend actions and strategies that will improve planning and responding to future critical incidents in Sanctuary Cove.

MN's expressed gratitude and thanks to the teams, contractors, and emergency response personnel responsible for addressing the vast number of tasks associated with extensive power outage, blocked roads, medical emergencies, potential risks to safety and other identified risks.

As a 1 in 20 year event, the tornado and ensuing storm created a number of anticipated issues.

Following are some of the unexpected problems:

- An extended period of 3 days without power;
- Loss of all communication technology;
- Ongoing risk of harm from debris and affected trees;
- Absence of communication and contact personnel for assistance from SCBCS;
- Extreme heat.
- Inoperable security gates and alarms.

RECOMMENDATIONS & ACTIONS

1. Identify a central meeting point where residents can access power, information and assistance.
Suggestion : Meeting rm1 SCBCS where a generator and key personnel are available. PBC chairperson or delegate to hold a key.
2. SC Body Corporate Manager to provide a copy of the SC Emergency Response plan to the PBC & PTBC Chairperson. Remove personal contact details and publish on the SC soon to be completed website. Include Chairpersons as participants on the communication tree.
3. SC Body Corporate Manager to identify the site based manager or delegate as the response coordinator. This action is imperative when large numbers of personnel are on leave.
4. Site Manager & PBC Chairperson to coordinate regular communication of updates and support to residents.
5. SCBCS to prepare a checklist of safety actions and acquisitions for residences.
6. PBC & Security manager to ensure a neighbourhood check for isolated residents and those reliant on devices to support health issues.
7. PBC to explore the installation of satellite connection to facilitate communication when regular options are inoperable.
8. PBC to establish a volunteer group should emergency personnel be overextended.
9. SCBCS to provide advice re insurance claims.
10. Review SC Emergency Plan to reflect recent learnings



PRINCIPAL BODY CORPORATE
Sanctuary Cove

11. PBC Chairperson or delegate to seek participation in the SCBCS evaluation of the response as a representative of the residents and to provide their feedback.

Many thanks to all Members Nominees who canvassed the opinion of their constituents and provided input to this meeting. The manner in which all attendees approached the task was positive and demonstrated a determination to put into practice the wisdom gained in the aftermath of the tornado.

Kind regards,
Stuart Shakespeare
PBC Chairperson

ITEM 19

From: [Brendan Pitman](#)
To: [Brogan Watling](#)
Subject: [GL 230479] Sanctuary Cove Principal Body Corporate GTP 202 | Leslie & Buttner | The Parkway
Date: Monday, 15 January 2024 3:24:33 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[LO - Grace Lawyers 22.12.2023.pdf](#)
[Attachments \(approved plans\).PDF](#)

Hi Brogan

Happy New Year.

I received the **attached** letter and approved plans.

1. Given the nature of the allegations, I see no issue in distributing the letter to those persons in paragraph 3 of the letter.
2. The central allegation is that the PBC has acted unreasonably when deciding not to follow the ARC's recommendations.
3. There is no statutory obligation of the PBC to act reasonably when making decisions. The allegations (while not set out) would likely draw on general law principles of reasonableness when a statutory body is performing its functions. Questions of reasonableness are balanced and my initial impression is that there is at least some (I have not formed a view at this stage as to how great) exposure to the PBC in having its decisions challenged by the Buttners in QCAT/Referee's Office.
4. So that we can form a view, would the PBC Committee please provide its instructions to paragraphs 6, 7, 8, 9, 11 and 12. For example, does the Committee agree with the allegations and if not, why?
5. By way of update, I have not received any further communications from Leslie's solicitor regarding a without prejudice meeting.
6. Once we receive the Committee's instructions at paragraph 4 above, our view is that there is mounting pressure from both Buttner and Leslie sufficient to warrant the PBC making a decision as to whether it will commence proceeding against Buttner to enforce the by-laws.
7. I do not appear to have received a copy of the report from the security contractor about the CCTV cameras. Would you please provide a copy of that report to us once received.

Kind regards

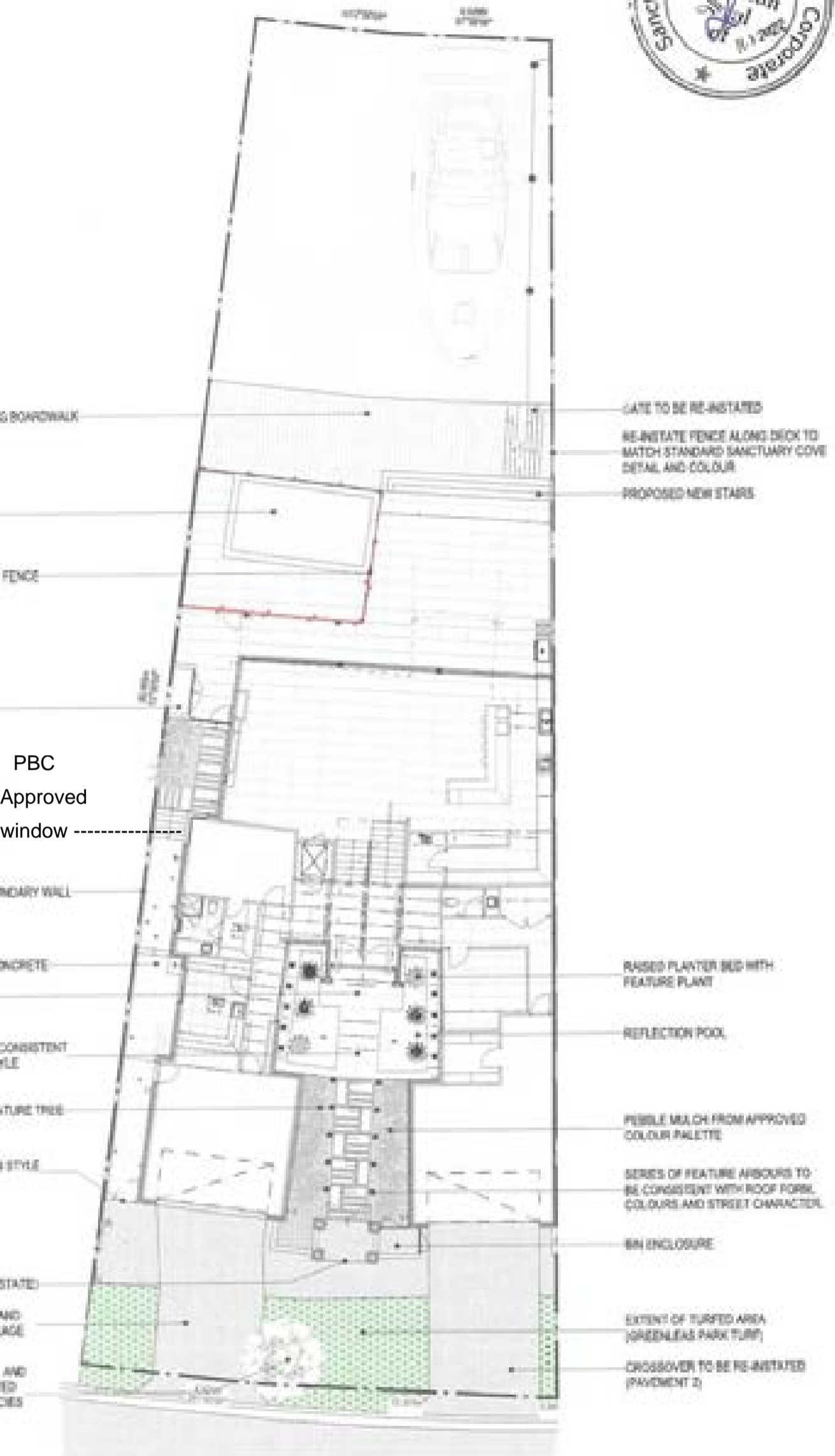
Brendan Pitman

Partner | www.gracelawyers.com.au



Grace Lawyers - QLD

Level 3, Suite 1D, Emerald Lakes Town Centre
Commercial, 3027 The Boulevard Carrara Qld
4211
PO Box 12962, George Street Brisbane Qld 4003
Tel: 07 5554 8560



PROPOSED LANDSCAPING PLAN

The Sanctuary Cove Principal Body Corporate has prepared these plans and specifications solely for the purpose of enabling tenders to be submitted to this site, and does not constitute any other form of contract or agreement.

THE BUTTNER'S RESIDENCE

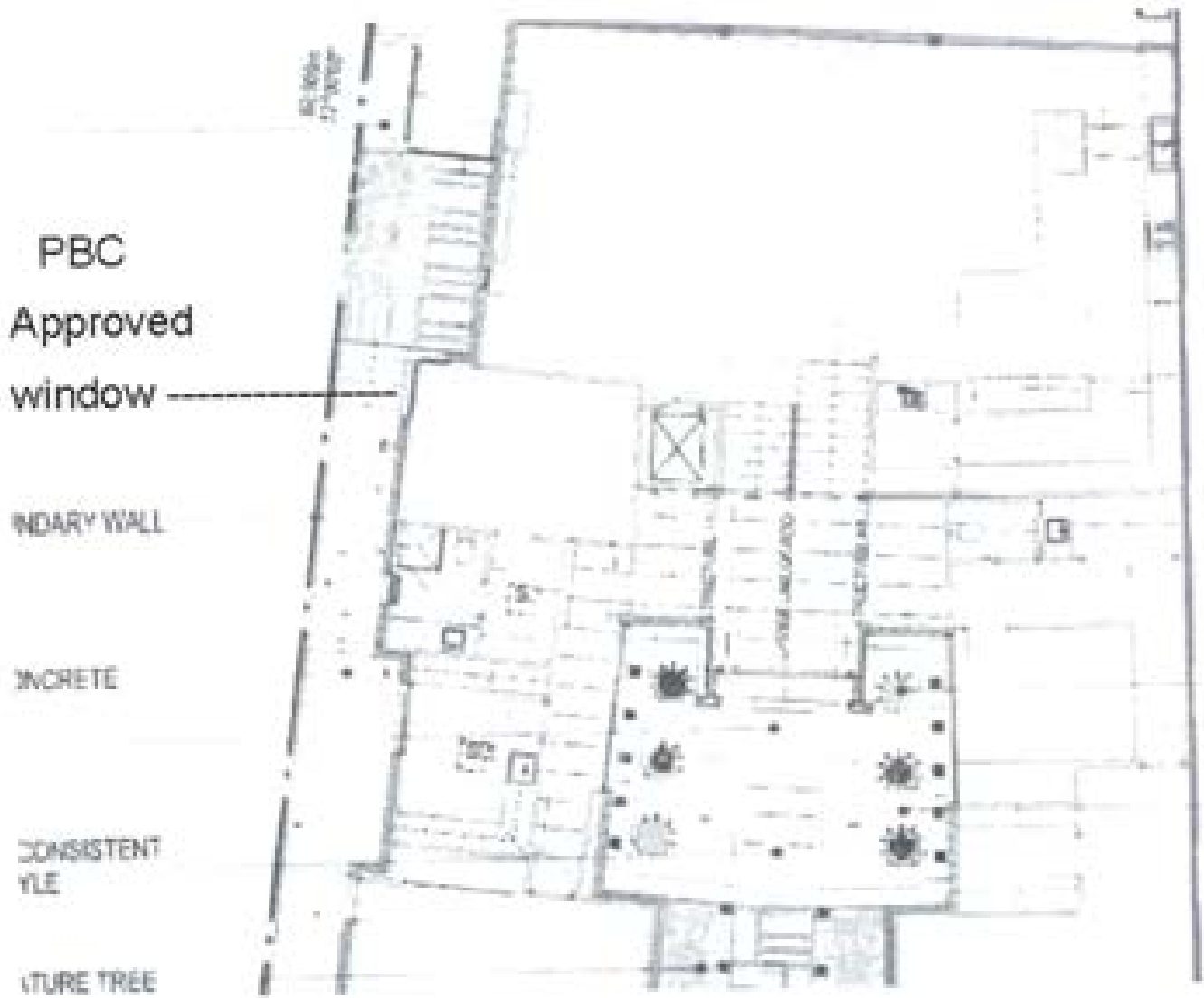
4638 THE PARKWAY

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ATTACHMENT 2A



Our reference 31862 • 3379258_1.docx
Your reference

22 December 2023

Grace Lawyers
Suite 1, Level 2
35-39 Scarborough Street
Southport QLD 4215

By email brendan.pitman@gracelawyers.com.au

Buttner, R and J – Sanctuary Cove Principal Body Corporate – dispute

1. As you know, we act for Robert and Janice Buttner, the owners of 4838 The Parkway.
2. We are sending this letter to you given you are the legal representatives for the Principal Body Corporate (**PBC**). However, our clients have instructed that this letter is to be directed to members of the executive committee for the PBC (**Committee**) being:

Mr Stuart Shakespeare (Chair of the PBC) – stuart@shakespeares.info

Mr Peter Cohen – petercohen3@me.com

Mr Brian Earp – livingstonia.scove@outlook.com

Mr Anthony Ellingford – anthonyellingford@gmail.com

Dr Greg Herring – gherring@powerup.com.au

Ms Cheryl McBride – CherylMcBride@teamleisure.com.au

Mr Dale St. George (PBC Secretary) – Dale.stgeorge@scove.com.au

3. We are instructed to specifically request that this letter be brought to the attention of the Committee. This request is made because our clients are aware of instances in the past where communications from our office have not been made available at relevant Committee meetings. Our clients wish to ensure that the Committee is fully apprised of our clients' concerns.

Unreasonable decisions of Committee

4. Our clients consider that:
 - (a) there have been numerous unreasonable decisions made by the Committee during the approval process for the renovation of 4638 The Parkway; and
 - (b) these unreasonable decisions have caused our clients considerable loss.
5. Our clients particularly wish to outline the unreasonable actions of the PBC in relation to the approval of the western side guest window and the moored vessel at 4638 The Parkway.

Guest Window

Background

6. We are instructed as follows:
- (a) On 16 January 2022 the PBC approved the renovation plans for 4638 The Parkway.
 - (b) The **attached** approved plans show a window in the guest bedroom on the western side of the property.
 - (c) On 29 August 2022, our clients' builder proposed some changes to the Body Corporate Manager, Ms Nicole James. These changes included moving the ground floor guest bedroom window (**Guest Window**) 60cm towards the street. They also included:
 - (i) deleting a window from the second bedroom upstairs on the western wall; and
 - (ii) making the west wall living room window smaller.
 - (d) All of these changes were proposed in the interests of improving the privacy for our clients' neighbour at 4636 The Parkway. The movement of the guest bedroom window by 60cm was needed because the original position of the window looked directly into the glass family room of 4636 The Parkway. The new placement of the window ensured increased privacy for the residents of 4636 The Parkway. In this regard:
 - (i) Figure 1 below depicts the view from the current window.
 - (ii) Figure 2 below depicts the view if the window were to be moved back to the location from the approved plans.

Figure 1



Figure 2

- (e) On 21 August 2023, at a meeting of the Architectural Review Committee (**ARC**), the ARC confirmed it was satisfied with the proposed movement of the Guest Window.
- (f) Despite the ARC's position, on 28 August 2023 the Committee met and voted not to approve the changes to the Guest Window that had been recommended by the ARC.

Our clients' concerns

- 7. Our clients have the following concerns in relation to the Committee's decision of 28 August 2023 concerning the Guest Window.
 - (a) Firstly, the Chairperson of the Committee (and perhaps other Committee members) appeared unaware that the ARC was satisfied with the Guest Window on 21 August 2023. Our clients understand that the Chairperson did not attend the August ARC meeting and the ARC's approval is not mentioned in the minutes of the 28 August 2023 Committee meeting.
 - (b) Further, the minutes from the 28 August 2023 Committee meeting suggest that the information on which the Committee made its decision about the Guest Window was wrong or incomplete. Specifically, the meeting minutes refer to the Chairperson citing an ARC meeting from 'early this year' when the ARC apparently rejected the 'unapproved guest bedroom window'. Any such statement from the Chairperson fails to account for the fact that:
 - (i) the original approval from the PBC included approval for a window in the guest bedroom on the western side of the property; and
 - (ii) any comments from the ARC 'early this year' were clearly superseded by the ARC decision of 21 August 2023.
- 8. Our clients are also concerned about the PBC's failure to explain the circumstances which caused the Committee to deviate from the position of the ARC. As you know, we have requested this explanation from your offices previously and have to date failed to receive the requested explanation.
- 9. Finally, our clients query why your letter dated 22 September 2023 suggested that the approved building plans for our client's residence did not include a window in the guest

bedroom on the western side. If any members of the Committee were the source of this information it is demonstrably wrong.

Moored Vessel

10. Our clients are similarly concerned about the reasonableness of decisions made by the Committee about the vessel moored at 4648.

Background

11. We are instructed that:
- (a) In 2022 the PBC (via secretary Dale St George) signed under seal a Private Mooring Licence Deed under which the mooring of our client's vessel was approved. The length of the vessel was specified in the deed.
 - (b) Our clients also arranged (at significant cost) for a floating pontoon to be designed and built to accommodate their vessel. The PBC approved the plans for the new pontoon before it was constructed.
 - (c) In 2023 the PBC raised concerns about the length of the vessel and the suitability of the mooring.
 - (d) The ARC determined on 21 August 2023 that the matter of the mooring of our client's vessel should be referred to the Harbour Master.
 - (e) Our clients were content for this to occur because they had received written confirmation from the Harbour Master on 26 June 2023 that his office and marina staff had received no complaints, or any concerns raised whatsoever from marina berth customers in relation to our clients' vessel.
 - (f) However, again acting contrary to the ARC, the Committee:
 - (i) did not provide our clients with the opportunity to refer the matter to the Harbour Master; and
 - (ii) determined at the meeting on 28 August 2023 that our clients should be instructed by MSCD to remove the vessel from their property.

Our clients' concerns

12. Our clients have the following concerns about the reasonableness of the Committee's decision.
- (a) Firstly, if the PBC had any concerns about the adequacy of the pontoon the appropriate time to raise such issues was prior to approval being given. As mentioned, our clients have incurred substantial costs in constructing the pontoon in line with the approved plans.
 - (b) Secondly, our clients were denied the opportunity to refer the matter to the Harbour Master in line with the ARC's recommendation.

22 December 2023

- (c) Further, our clients are unaware of the legal basis or authority upon which the Committee can direct MSCD to instruct our client to remove its vessel.

Our clients' position

- 13. Our clients are presently considering their legal options with respect to the Committee's decisions and the issues outlined above.
- 14. They consider the conduct of the PBC and Committee has caused them substantial financial loss.
- 15. To avoid this loss escalating further, we are instructed to request that the Committee:
 - (a) approve the ARC recommendations of 21 August 2023 relating to the Guest Window; and
 - (b) withdraw the direction given to MSCD regarding our clients' moored vessel.
- 16. Please confirm the Committee's position by no later than 15 January 2024. In the meantime, our clients' rights remain reserved.

Yours faithfully



Mahoneys

Contact Lisa Valentine
 Direct phone 07 3007 3723
 Email lvalentine@mahoneys.com.au

Partner Ben Seccombe
 Direct phone 07 3007 3720
 Email bseccombe@mahoneys.com.au

From: [Brogan Watling](#)
 To: [Stuart Shakespeare](#)
 Cc: [PBC](#); [Anthony Ellingford](#); [Derek Glinka](#); [Paul Kernaghan](#); [petercohen3](#); [Nick Eisenhut](#); [Brian Earp](#); [Dale StGeorge](#); [Anthony Ellingford](#)
 Subject: RE: Legal Advice
 Date: Thursday, 18 January 2024 10:30:33 AM
 Attachments: [image001.png](#)
[image002.png](#)
[4638_Burbina_Stamped_Plans_for_Certification.pdf](#)
[EXHIBIT 1.pdf](#)

Hi Stuart

I thought it may be easier for me to respond to you directly.

My responses now in purple below.

Kind Regards,

BROGAN WATLING

In-House Counsel

Email

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

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



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From: <

Sent: Wednesday, January 17, 2024 9:19 PM

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

Cc: Anthony Ellingford <Anthony.Ellingford@scove.com.au>; Derek Glinka <Derek.Glinka@scove.com.au>; Paul Kernaghan <Paul.Kernaghan@scove.com.au>; petercohen3 <petercohen3@scove.com.au>; Nick Eisenhut <Nick.Eisenhut@scove.com.au>; Brian Earp <Brian.Earp@scove.com.au>; Dale StGeorge <Dale.StGeorge@scove.com.au>

Subject: RE: Legal Advice

Hi Jodie

Thanks for your email. My responses are as follows –

1. Leslie v Buttner: DCBL Compliance –

- There are a number of moving pieces to this one. In the latter half of last year I was made aware of and involved in the matter where needed at the request and on behalf of the EC. Prior to Mahoneys 22 December letter there were from memory 5 or so items. In consultation with myself and Dale each was considered in consultation with Grace and responses sent to Mahoneys by Grace on the PBC's behalf. I have provided verbal updates to the EC when required. As I understand it, the outstanding issues are a) the guest bedroom side window on Mr and Mrs Buttner's property, b) the CCTV cameras on both properties, and c) the moored vessel on Mr and Mrs Buttner's property.
- Grace Lawyers recently sent the attached email. It requires the PBC's instructions as per paragraph 4 of that email. The matters raised in Item 6 (the window) are familiar to Grace (ie Jason Carlson in particular). My understanding is that Grace advised Mahoneys that the current PBC approval is the one referred to dated 16 January 2022. They were also advised if a variation is to be sought to that approval then an application is required in accordance with relevant provisions in the SCRA. No such application has been received. The plans attached to Mahoneys letter are almost illegible copies of the approved landscaping plans. Please get Caitlin to retrieve the PBC approved plans from archive so the size and location of the approved window can be accurately verified. I wish to inspect these documents as soon as they are retrieved. These same approved plans formed part of the 2022 mid-year court proceedings. The landscape plans provided with the Mahoneys letter may not be accurate. I recall Nicole James tabling the plans at our ARC meeting as mentioned in 6(c). Nicole also tabled the January 2022 building elevations. The constructed window opening was not in accordance with the approval. From memory it was a lot bigger and more intrusive. The proposal was to install a privacy screen over the window opening. This was not a formal application for a variation to the 16 January approved window. The ARC rejected the proposal on the basis that 1) a much larger window opening in a different location had been constructed without prior approval being sought 2) given the conflict between the parties, there was no guarantee that the privacy screen would remain in place, if approved and 3) Mr Leslie had made a complaint about the window being non-compliant, that it significantly impacted the privacy of his property, was not in accordance with the approved plans that formed part of the court proceedings and that the PBC had a duty to act on his complaint on this basis. With respect to Item 7 of Mahoneys letter – The items I referred to by me earlier were put forward in a motion at an ARC meeting last August as part of an administrative procedure and without the knowledge of the EC. I could not attend that particular meeting. The ARC members are not privy to the ongoing legal aspects of this matter. Prima facie, they could see no issue with the items presented and not being familiar with all the facts recommended an approval to the EC. When their recommendation came to the EC it was rejected when consideration was given to the other prevailing aspects and the assistance being provided by Grace. It must be remembered that the ARC function is to make recommendations to the PBC EC only and the advice from Grace is that the function and relationship between the ARC and the EC is not particularly relevant. With respect to Item 7 – the moored vessel. The PBC representatives have requested the provision of a certification from the company that installed the jetty that it is structurally designed to accommodate the size of vessel owned by Mr Buttner. This has not been forthcoming. BCS understands from the jetty company that the installed jetty is not capable of accommodating this vessel. Also, the moored vessel protrudes beyond the boundaries of the Buttner property into Harbour 1 which is owned by Mulpha. My understanding from meetings with Dale and Grace, that Mulpha will not permit a vessel to extend beyond a lot boundary and that Mr Buttner and a few other owners are to be issued with notices to move their vessels to suitable moorings. To my knowledge, the actions and decisions made on behalf of the EC have been done in consultation with Dale and Grace's input and advice. Thank you for providing that background which is helpful. Jason Carlson is no longer with Grace Lawyers – the direct contact is Brendan Pitman. I have attached the approved plans dated 11 January 2022. Relevantly, see page 4 which shows a window wrapping around the corner of the bedroom. Also see page 6 – 'Aerial Perspective – Proposed'.
- Towards the end of last year, a without prejudice meeting was arranged with Mr Leslie's solicitors. However, the attendance of a CCTV contractor needs to be organised prior to that meeting which is currently being organised. Dale unexpectedly cancelled this meeting because he wanted information from the security company that the PBC engaged to look at the security cameras on both properties to settle the differences of view between the parties that their cameras were unreasonably infringing on their privacy. Mr Leslie was extremely upset that the conciliation meeting between the lawyers was cancelled on the basis of one aspect of one of the issues to be discussed. I made the decision to not proceed with a WOP meeting on account of not having a report from the security contractor to discuss the CCTV positioning. My initial concern was rushing to hold a WOP meeting prior to Christmas in an attempt to resolve all issues, if we could not offer anything meaningful on the CCTV front. Doing so would have resulted in the need for a further meeting in the NY for the CCTV matter alone and I was concerned with legal costs.
- Does the PBC want our office to continue to liaise with Grace Lawyers and revert when instructions are required? I request a video conference with Brendan from BCS offices asap. I will attend and invite members of the EC to attend also. Can the person who's charged with the carriage of this matter from BCS please attend. I would expect that to be Brogan Watling with assistance from yourself thanks Jodie. Please advise tomorrow. I have requested Brendan's availability for a video conference and will revert once I hear back from him. Jodie and I can be available to attend.

2. PBC rezoning: Lots 52 & 54 –

- Advice was issued to the PBC in the middle of last year.
- Does the PBC require any further advice from Grace Lawyers? – Nothing required at this time. Noted.

3. Livingstonia Florida Rooms: DCBL Compliance –

- Grace advised Gall Standfield & Smith Solicitors that PBC wasn't at fault, no further communication since.
- Does the PBC require any further advice from Grace Lawyers? – If no response has been received from Standfield & Smith or any other related party then the answer is no. Noted.

4. PBC v Lot 41 (2054) Schotia Island: RZABL Compliance –

- With Grace Lawyers who are preparing an application for enforcement.
- Does the PBC want our office to continue to liaise with Grace Lawyers and revert when instructions are required?

5. PBC v Lot 37 (2618) Adelia: RZABL Compliance –

- With Grace Lawyers who are preparing an application for enforcement.
- Does the PBC want our office to continue to liaise with Grace Lawyers and revert when instructions are required?

With Lot 37, my understanding is that the referee rejected the PBC application because it claimed the offending vehicle being parked on the Secondary Thoroughfare verge violated the RZABLS when in fact the RZABLS don't have jurisdiction over the Secondary Thoroughfares. The applicable by-laws are the Secondary Thoroughfare By-Laws (STBLs). Unfortunately there's no provisions in the STBLs prohibiting long term parking within the STs. It has therefore been discussed and agreed at PBC meetings that a small amendment is required to the STBLs to fix up this loophole. The same circumstances apply to Lot 41. My view is that if a mistake has been made with the application to the referee on Lot 37, then the EC should consider requesting the party responsible for preparing the flawed application to the referee to bear the cost of drafting the amendment to the STBLs. Once done, a Special Resolution of the PBC is required for the amendment to be gazetted which will require the same resolutions being passed at the PBC general meetings. This needs actioning without further delay. The EC should discuss this with BCS when we attend the video conference. This Adelia matter relates to a Referee's Order requiring the owner to pressure wash and paint the principal structure. In both this matter and the matter identified above (Schotia Island) the PBC brought a Referee application against the relevant owners and successfully obtained orders against them. However, the owners have not complied with these orders. The PBC is now taking enforcement action through the Magistrates Court to compel their compliance.

Separately, the PBC was unsuccessful in obtaining a Referee's Order against the owners within Plumeria (7100) – the facts you have identified above. The matter was prepared internally at no cost to the PBC (other than a nominal filing fee). It was prepared on instruction from the PBC EC (see attached motion 6). I would suggest that the technical argument raised by the Referee in response to this application (although correct), could have caught even a lawyer by a surprise. Further, there is no certainty or guarantee that orders the PBC seeks from a Referee will be granted on each and every occasion. That is simply the nature of litigation. I am happy to discuss this further when we meet. I agree that the next step is to amend the STBLs so that the PBC has an avenue for moving along cars parked on the ST.

Follow EC members - Please feel free to provide comments to me on my responses.

Regards
 Stuart Shakespeare

From: PBC <pbc@scove.com.au>
Sent: Wednesday, 17 January 2024 12:48 PM
To: Stuart Shakespeare <stuart@scove.com.au>
Cc: Anthony Ellingford <anthony.ellingford@scove.com.au>; Derek Glinka <derek.glinka@scove.com.au>; Paul Kernaghan <paul.kernaghan@scove.com.au>; Peter Cohen <peter.cohen@scove.com.au>; Nick Eisenhut <nick.eisenhut@scove.com.au>; Brian Earp <brian.earp@scove.com.au>; Dale StGeorge <dale.stgeorge@scove.com.au>
Subject: FW: Legal Advice

Hi Stuart,

Please see below, information in blue which was requested.

I have also attached correspondence from Grace regarding Buttner & Leslie.

Kind Regards,

JODIE SYRETT

Manager Body Corporate

Direct 07 5500 3326 | jodie.syrett@scove.com.au
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



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From: Stuart <stuart@scove.com.au>
Sent: Sunday, January 14, 2024 9:00 PM
To: PBC <pbc@scove.com.au>
Cc: Tamara Jones <tamara.jones@scove.com.au>; Anthony Ellingford <anthony.ellingford@scove.com.au>; Derek Glinka <derek.glinka@scove.com.au>; Paul Kernaghan <paul.kernaghan@scove.com.au>; Peter Cohen <peter.cohen@scove.com.au>; Nick Eisenhut <nick.eisenhut@scove.com.au>; Brian Earp <brian.earp@scove.com.au>
Subject: Re: Legal Advice

Hi Jodie

Happy new year!

Thanks for your email.

Please provide a current status report for each of the matters listed in a manner that is timely to the responses required by the PBC.

Regards
Stuart Shakespeare
PBC Chairperson

Sent from my iPhone

On 22 Dec 2023, at 2:31 pm, PBC <pbc@scove.com.au> wrote:

Dear Executive Committee

At the AGM, the PBC passed a motion imposing conditions on the commissioning of legal advice.

There are currently five legal matters the PBC has on foot that are being handled by Grace Lawyers which include:

1. Leslie v Buttner: DCBL Compliance –
 - There are a number of moving pieces to this one.
 - Grace Lawyers recently sent the attached email. It requires the PBC's instructions as per paragraph 4 of that email.
 - Towards the end of last year, a without prejudice meeting was being arranged with Mr Leslie's solicitors. However, the attendance of a CCTV contractor needs to be organised prior to that meeting which is currently being organised.
 - Does the PBC want our office to continue to liaise with Grace Lawyers and revert when instructions are required?
2. PBC rezoning: Lots 52 & 54 –
 - Advice was issued to the PBC in the middle of last year.
 - Does the PBC require any further advice from Grace Lawyers?
3. Livingstonia Florida Rooms: DCBL Compliance –
 - Grace advised Gall Standfield & Smith Solicitors that PBC wasn't at fault, no further communication since.
 - Does the PBC require any further advice from Grace Lawyers?
4. PBC v Lot 41 (2054) Schotia Island: RZABL Compliance –
 - With Grace Lawyers who are preparing an application for enforcement.
 - Does the PBC want our office to continue to liaise with Grace Lawyers and revert when instructions are required?
5. PBC v Lot 37 (2618) Adelia: RZABL Compliance –
 - With Grace Lawyers who are preparing an application for enforcement.
 - Does the PBC want our office to continue to liaise with Grace Lawyers and revert when instructions are required?

Please advise on whether the EC wants our office to instruct Grace Lawyers to place a hold on these matters so that the EC may provide comments in relation to any briefing or instructions.

Please consider this for discussion in the New Year.

Wishing you all a Merry Christmas and a Happy New Year.

Kind Regards,

JODIE SYRETT

Manager Body Corporate

Direct 07 5500 3326 | jodie.syrett@scove.com.au
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



17 January 2024

Mr Stuart Shakespeare

By email: stuart@shakespeares.info

Cc: sjandos001@gmail.com

Dear Mr Shakespeare

I refer to your letter directed to Mr Dale St George on 11 January 2024. As you are aware, Mr St George is currently on annual leave and will be returning on 29 January 2024.

In the meantime, I have consulted with various people within the Company to provide the following responses to each of the requests within your correspondence:

- With respect to your paragraph 3, please see **enclosed** a copy of your application filed with the Office of Fair Trading on 5 October 2023.
- With respect to your paragraph 6, please provide more clarity around the documents you wish to inspect. For example, what specific financial, employment and role statement records do you require (including any other identifiable information like date ranges) and what do you mean by “*miscellaneous and contemporaneous notes relating to SCCSL for FY 2022 and 2023*”?
- With respect to your paragraphs 7 and 8, your statements are noted.
- With respect to your paragraph 9, I confirm that Mrs Watling holds a current Practising Certificate issued by the Queensland Law Society.
- With respect to your paragraph 10, a date for the Company’s Annual General Meeting has not yet been set.

As I am sure you can appreciate, there are some matters you have raised within your correspondence which will need to be discussed directly with Mr St George upon his return as he has intimate knowledge of these as the Chief Executive Officer of the Company.

I trust the above is of assistance.

Kind regards,



Mika Yanaka
Finance Manager

ITEM 22

From: [Anthony Ellingford](#)
To: [Jodie Syrett](#)
Cc: [Paul Kernaghan](#); [Stuart Shakespeare](#)
Subject: Fwd: PBC Treasurer_Request for information
Date: Thursday, 18 January 2024 11:52:14 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Ho Jodie

As you know Paul Kernaghan and I met with Mika Yanaka on the 11th January in relation to information requested, we received some information but the Request for information in the below e mail from Stuart on 18 December was not provided and it appeared that Mika was not aware of this request.

Can you arrange for the request to be met

Thanks

Tony Ellingford

Begin forwarded message:

From: Stuart Shakespeare <stushakespeare@gmail.com>
Subject: Re: PBC Treasurer_Request for information
Date: 18 December 2023 at 7:52:32 am AEST
To: PBC <pbcs@scove.com.au>
Cc: Tony Ellingford , Cheryl Mcbride
, Paul Kernaghan
, Peter Cohen , Brian Earp

Dear Jodie,

Thank you for your detailed response.

Please allow me to clarify some points and my understanding of the Administration and Management Agreement and relevant sections of SCRA that relate to this request.

It is my understanding that the Treasurer may continue to exercise his powers despite the delegation via the Administration and Management Agreement to the Manager.

I refer to SCRA S41 which confirms that the Treasurer of the PBC is the same role as Treasurer of the PBC EC.

SCRA S41

(1) After the first annual general meeting of the principal body corporate, there shall be an executive committee consisting of a chairperson, secretary and treasurer and such other members as may be elected or appointed pursuant to this section.

(2) The chairperson, secretary and treasurer of the principal body corporate shall be members of, and be also respectively the chairperson, secretary and treasurer of, the executive committee.

SCRA S47AB (1) outlines the PBC's power to delegate and at S47AB (5) confirms that despite any delegation, the PBC may continue to exercise any of its powers.

SCRA S47AB

(1) Subject to subsections (2), (8), (9) and (10), the principal body corporate may, in general meeting and by instrument in writing, appoint upon such terms and conditions as the principal body corporate determines a body corporate manager and may, in like manner, delegate to the body corporate manager—

- a) all of its powers, authorities, duties and functions; or*
- b) any 1 or more of its powers, authorities, duties and functions specified in the instrument; or*
- c) all of its powers, authorities, duties and functions except those specified in the instrument;*

and may, in like manner, revoke wholly or in part the delegation.

(5) Notwithstanding any delegation made under subsection (1), the principal body corporate may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated by it.

The PBC's powers are also referred to in the Administration and Management Agreement at 3.3 and in Schedule 3.

AMA

3.3 For the avoidance of any doubt, the PBC and the PTBC may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated by it to the Manager

AMA Schedule 3

- 1. p) Respond to various financial information requests from Owners and Committee members.*
- 3. c) To make available for inspection, the records for inspection.*

Given the foregoing, it seems to me that the Treasurer's request is entirely within his authority and he is not required to pay for a records search.

If you believe I am still misunderstanding the legislation or the AMA, I would be most grateful if you would make this clear for me, including references.

Request for Information

In the event that I am interpreting SCRA and the AMA correctly, I have had a further discussion with the Treasurer and in addition to the original request we would like to also request the following:-

1) Copies of all invoices for Management Fees for the FYE 31 Oct 2023. Such invoices would be those referred to in the AMA at 5.2(c).

AMA

5.2 (c) The Manager is obliged to provide the PBC or the PTBC, within 21 days prior to the amount being payable, a valid tax invoice that is compliant with GST law for all amounts claimed by the manager under this Agreement.

2) A statement, incurred in providing the Management Services for FY23 and charged to the PBC.

This statement is not the statement of the Resort's costs, but rather a statement of the costs for the Manager to perform the Management Services, as referred to in 5.3(d) of the Administration and Management Agreement.

The statement should be provided itemised by cost centre.

AMA

5.3 (d) Within 60 days of the expiration of each Financial Year, the Manager shall provide an audited statement of actual costs incurred for the Financial Year in providing the Management Services. (As defined in Schedule 3 of the Agreement).

3) Copies of all invoices paid for Legal and Consulting expenses for the FY2023.

4) Please provide an itemised schedule of all current charge amounts for additional services and disbursements.

We would like to receive this information by COB Thursday 22 December 2023.

If this is not possible, please advise why without delay.

Regards,
Stuart

On Fri, Dec 15, 2023 at 1:54 PM PBC <pbc@scove.com.au> wrote:

Hi Stuart

Thanks for your email.

No, it is not the position of SCCSL that the Treasurer and Secretary have "no rights whatsoever". They are voting members of the Executive Committee and have the right to vote in that capacity.

It is also not our position that the Administration and Management Agreement overrides SCRA. There is nothing in SCRA that says it is the Treasurer's role or responsibility to obtain copies of the documents you have requested or to perform any other specific function.

Further, there is no provision in SCRA that entitles Committee members to access records without paying a fee.

We are trying to be fair and operate within the confines of the legislation. However, the EC is making requests that have never been asked of us before, so please understand that it may take us time to consider and respond.

If the EC considers there to be relevant provisions within SCRA that apply, please let our office know.

Thank you.

Kind Regards,

JODIE SYRETT

Manager Body Corporate

Direct 07 5500 3326 | jodie.syrett@scove.com.au

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



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From: Stuart Shakespeare
Sent: Friday, December 15, 2023 1:02 PM
To: PBC <psc@scove.com.au>
Cc: Anthony Ellingford ; [Derek Glinka](#)
; [Nick Eisenhut](#) ; [Paul Kernaghan petercohen3](#) ; [Jodie Syrett](#) ; [Brian Earp](#) **Subject:** Re: PBC
Treasurer_ [Request for information](#)

Hi Jodie

Thanks for your email.

To make SCCSL's position clear, please confirm that the PBC appointed Treasurer currently has no rights whatsoever because the A&M agreement overrides the SCRA, and on this basis he has no right to request information pertinent to his appointed position.

His only right is that of a Proprietor to pay a fee for an inspection of the requested documents and a further fee for copies of the same.

This is an important matter, so can a priority please be put on a response?

Regards

Stuart Shakespeare

PBC Chairperson

On Fri, Dec 15, 2023 at 10:20 AM PBC <psc@scove.com.au> wrote:

Hi Stuart,

SCCSL still retains the powers of Secretary and Treasurer in accordance with Schedule 3, Item 1a) of the Administration and Management Agreement. This was set out in the AGM agenda when it was issued.

Further, SCCSL is still required to discharge the duties set out in Schedule 3 of the Administration and Management Agreement extending to financial matters.

If the PBC no longer wants SCCSL to perform the powers and duties of the Secretary and/or Treasurer or perform any of the required duties set out in Schedule 3, the PBC can resolve to amend the Administration and Management Agreement to remove those duties imposed on SCCSL.

It is common practice in the strata industry for body corporate managers to perform the financial tasks of a body corporate because of their experience and the systems they have in place to effectively and efficiently do this. Given the size of the PBC and the amount of financial reporting, this would be an incredibly difficult task to be performed by one person. Although Dale is the nominated person by SCCSL to perform these duties, he is also supported by a finance team consisting of 4 people.

However, if the EC wishes for Tony Ellingford to solely have the powers and duties of Treasurer as well as the financial duties set out in Schedule 3, the PBC can make that change as outlined above. If that change was made, SCCSL would require the inclusion of a clause to indemnify it against any claims brought by the PBC or PBC members with respect to the preparation of any and all financial documents.

Accordingly, with respect to the record request, if the records are still required, please provide the required payment of the search fee.

I trust the above assists.

Kind Regards,

JODIE SYRETT
Manager Body Corporate

Direct 07 5500 3326 | ljodie.syrett@scove.com.au

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

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

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From: Stuart Shakespeare
Sent: Thursday, December 14, 2023 10:18 AM
To: PBC <pbcs@scove.com.au>
Cc: Jodie Syrett ; [Derek Glinka](#)
[Anthony Ellingford](#) ; [Paul Kernaghan](#) ; [petercohen3](#) ; [Nick Eisenhut](#)
Subject: Re: PBC [Treasurer Request for information](#)

Good Morning Dale (or whoever has his delegated authority in his absence)

The request I made was on behalf of the PBC Treasurer to SCCSL (the body corporate manager), so accordingly the information requested should be provided as soon as possible and at no charge. Due to this request being a part of the PBC Treasurer's responsibilities, SCRA s36 should not apply.

Regards

Stuart Shakespeare

PBC Chairperson

On Thu, Dec 14, 2023 at 9:25 AM Dale StGeorge

Dear Stuart

Thanks for your email.

With respect to items 1 -3 in your below email, these are PBC records that can be inspected in accordance with section 36 of the *Sanctuary Cove Resort Act 1985* (Qld).

Accordingly, the member requesting the records will need to pay the fee of \$19.35 for the inspection.

Please advise if this if yourself or Tony. Once the fee is received, we will make the requested records available for inspection at our office at a time and date that is suitable. If photocopying of any records is required, a fee of \$0.70 per page applies.

Please note our office will be closed from 4pm next Friday, 22 December 2023 so should you require the records prior to this date, we will need to receive the payment urgently to facilitate a time and date for the inspection prior to Friday.

The PBC has possession of the audited statement of the actual costs incurred for the previous financial year in providing the administration and management services.

Kind Regards,

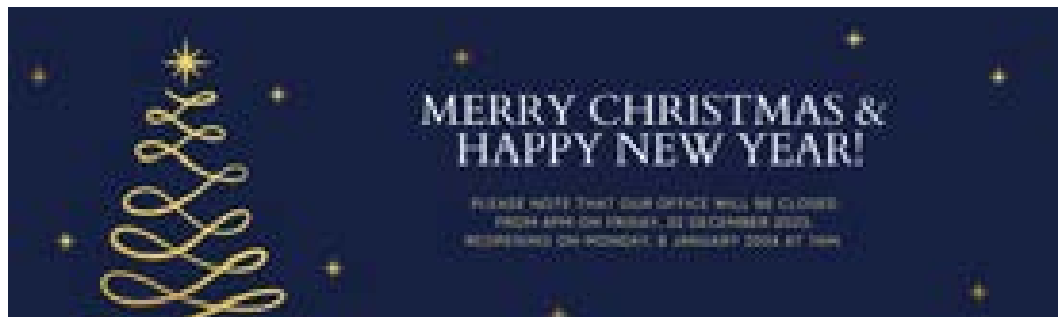
DALE ST GEORGE
Chief Executive Officer

Direct 07 5500 3321 |

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



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From: Stuart Shakespeare <
Sent: Wednesday, December 13, 2023 6:43 PM
To: Dale StGeorge <
Subject: PBC Treasurer_Request for information

Hi Dale

On behalf of the Treasurer can the following please be supplied :

1. A list of all banks and financial institutions that have accounts holding PBC funds.
2. The transaction statements from the above accounts for the current financial year.
3. The authorisation signatories of these accounts.
4. In accordance with the Administration and Management Agreement section 5.3 (d), provide an audited statement of the actual costs incurred for the Financial Year in providing the Management Services. This statement is due within 60 days of the end of the financial year, so by 31st December 2023.

Regards

Stuart Shakespeare

PBC Chairperson



PRINCIPAL BODY CORPORATE
Sanctuary Cove

19 January 2024

M/s Mika Yanaka

Finance Manager
Community Services Sanctuary Cove

By email: Mika.Yanaka@scove.com.au

Cc: dale.stgeorge@scove.com.au

Dear M/s Yanaka

I refer to your letter on 17 January 2024, a response to several requests I submitted on 11 January 2024.

The provision of the copied application filed with the Office of Fair Trading is appreciated.

I understand and sympathise with the constraints of the CEO's absence. However, I am disappointed that you omitted providing some documents that were explicitly described and should be readily available to me as a Director of Sanctuary Cove Community Services Ltd (SCCSL).

I repeat the several requests with specificity to the documents I wish to examine:

- Financial management records – FY 2022 & 2023 - balance sheets, Profit & Loss statements, Income & Expenditure. Cashflow projection for 2024.
- Minutes from Directors & Shareholders Meetings – 2022 & 2023.
- Employment contracts – 2022 & 2023.
- A copy of M/s Brogan Watling's Practising Certificate.

I wish to remind you at s9.2 of the Shareholders Agreement, as the shareholders' nominee for the PBC, I am entitled to full access, during normal business hours, to inspect all the books, accounts, and records of the company.

I am available at the following times in the week beginning 22 January 2024:

Thursday 25 January – after 2pm

or

Friday 26 January – after 2pm

Please inform me at your earliest convenience a time that is suitable for me to attend the SCBCS office.

Yours sincerely

Stuart Shakespeare
PBC Chairperson

24 January 2024

Mr Stuart Shakespeare

By email:

Dear Mr Shakespeare

I refer to your letter of 23 January 2024.

On 21 December 2023, the EC passed a resolution setting out the dates of the EGMs for 2024. That resolution included a meeting for each month of the year commencing in February.

On 19 January 2024 – a month after the EC agreed to the EGM dates for 2024 – you requested that an additional EGM be convened for the month of February. The effect of this would mean that the PBC would be holding two EGMs in the month of February.

The purpose of agreeing to EGM dates in advance is twofold – to provide adequate notice to Members' Nominees so that they may set those dates aside to attend the meetings, and to ensure that our office has the time to make all necessary arrangements extending to the provision of a meeting room, the availability of staff to run the meeting and setting time aside in advance of the proposed meeting date to liaise with the EC and set the proposed agendas.

Without notice to us, and by email on Friday, 19 January 2024, you requested an additional EGM. To be clear, an EGM is convened by the EC, not by a single EC member. This is set out in Schedule 2, Part 2 of the *Building Units and Group Titles Act 1980* (Qld), not section 29A of the BUGTA which has no application to the PBC. The convening of an EGM necessitates the passing of a resolution of the EC confirming the date and time of the meeting to be convened. The EC has not passed such a resolution.

Two business days after requesting an EGM (without an EC resolution), you sent a letter demanding a response from our office in 24 hours that it would issue the EGM agenda, asserting that a failure by SCCSL to *“implement instructions in a timely manner, is a potential breach of the BUGTA and the AMA”*.

On Monday, 22 January 2024, you issued a final version of the Vote Outside Committee Meeting (**VOC**) that you required to be distributed. You have also demanded a response from our office by 12pm today confirming that it will issue the VOC, asserting that a failure by SCCSL to *“implement instructions in a timely manner, is a potential breach of the BUGTA and the AMA”*.

With respect, I cannot see how the actions of SCCSL could be characterised as not acting in a timely manner.

In any event, we wish to confirm that:

- We will be distributing the VOC today.
- We will not be in a position to issue the EGM agenda until a majority of EC members vote in favour of convening an EGM. Once that occurs, we will require around 24 hours to issue the EGM agenda with the five motions as submitted by the EC (subject to no further changes being made to the proposed agenda). We will inform you once we have received a majority of votes.

Although we have not had the time to closely review the proposed motions to be voted on at the EC meeting and the proposed EGM, the EC may wish to seek independent legal advice on the motions that attempt to amend the Administration and Management Agreement (the **Agreement**) and place additional reporting requirements on SCCSL. SCCSL has not agreed to any amendment, and as a party to the Agreement, it is our position that changes cannot be made without the consent of all contracting parties. If the EC would like to sit down with SCCSL to discuss potential amendments to the Agreement that it would like made, I would be happy to facilitate that meeting.

Accordingly, whilst SCCSL will distribute the VOC and EGM agenda (if approved) in its capacity as the body corporate manager, SCCSL is not providing any commitment as to the validity and enforceability of the motions being proposed. Further, it reserves its right to obtain legal advice on these proposed motions and the effect that such motions will have on the Shareholders Agreement.

Moving forward, whilst the EC is at liberty to select a date for an EGM, if the Committee would like the meeting to be co-ordinated by our office it has to be mindful that:

1. staff members may have other work commitments that will not permit them to immediately action a request, and the timeframes imposed on our office should be reasonable;
2. when meetings are requested with limited notice and with no consultation with our office, staff members may not be able to attend the proposed meeting date and meeting rooms may not be available for use – this is particularly so in circumstances where the EC is requesting additional meetings outside of the EGMs and EC meetings that have already been voted on, scheduled for the year and booked in staff calendars;
3. the EC has passed a resolution requiring agendas to be issued at least 14 days prior to a proposed EGM.

There are ways to improve the current working relationship between our office and the EC and I would suggest an informal meeting to discuss this in detail. Please advise on the EC's willingness to attend such a meeting.

Kind regards,



Brogan Watling
In-House Counsel

CORRESPONDENCE FOR ACTION

ITEM 1

From: [Sonya Lowrie](#)
To: [PBC](#)
Cc: [RBC – Darwinia](#); [G and J Burke](#); [Julie Meechan](#); [Shanyn Fox](#)
Subject: Darwinia GTP 107488 - Darwinia Park
Date: Tuesday, 21 November 2023 12:09:25 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear PBC Secretary,

Could you please include the correspondence in this email in the January PBC EGM as correspondence for action.

The Committee would like all trees bordering Darwinia Park to be moved.

Thank you in advance for your consideration with regards to this matter.

Good Morning Ladies

As per my meeting with Shanyn on Friday last, I am writing on behalf of the Darwinia Body Corporate Residents regarding the trees that have been planted along the fence line of most properties in Darwinia Park.

Could you please forward this email to the PBC or whomever for consideration and action.

They are too close to the fence and in some cases leaning on the fence.

They are so close that every property is suffering from leaves in Pools and in back garden areas from this deciduous trees.

They were planted by the developer prior to land sales.

These trees need to be moved at least a meter from our property fences or removed to another area....some could be used in the centre of the lawns in the park and some maybe could be used in Pinehurst Drive along the front of the houses on the golf course as many have removed trees during their build and not replaced them.

If we could have this matter attended to asap that would be great as POOL season is upon us.

Many thanks

*Jane Burke
Darwinia
Chairperson*

Lot 21/1931 Pinehurst Drive

For and on behalf of the Darwinia Body Corporate Committee

Warm regards,

Sonya Lowrie



15th December 2023

Mr Graeme & Mrs Annette Jones
4728 The Parkway
SANCTUARY COVE QLD 4212

Transmission via email:

Dear Graeme and Annette,

RE: CLAIM AGAINST PBC – APPROVED VERGOLA

We refer to your without prejudice correspondence of 8 November 2023 addressed to the PBC.

Our office has been collating material relevant to your claim and will arrange a date in the New Year to discuss your correspondence and the relevant material with the ARC and PBC. Following that meeting, we will be in further contact regarding your request to meet in person to discuss the matter.

Thank you for your patience.

Wishing you both a very Merry Christmas.

For and on behalf of
Sanctuary Cove Principal Body Corporate GTP 202

A handwritten signature in black ink that reads "J Syrett".

Jodie Syrett
Manager of Body Corporate
Sanctuary Cove Body Corporate Services Pty Ltd

Without Prejudice

4728 The Parkway Sanctuary Cove
8th November 2023

The Chair
Sanctuary Cove Principal Body Corporate

Dear Mr. Shakespeare

We seek the assistance of the PBC in seeking to amicably resolve our out-of-pocket expenses exceeding \$18,000 in having to appeal the Architectural Review Committee decision concerning the balcony application for our property at 4728 The Parkway, being Lot 155 in Washingtonia Body Corporate.

By way of background in April 2021 my wife and I purchased an apartment in Harbour Terrace complex. Shortly after exchanging sale contracts, we discussed with our neighbours at 4722, Ms Rose King and Mr. Stefan Ackerie, their recently submitted development application seeking ARC approval to install a Vergola motorised roof to their balcony. We elected to also seek ARC to instal the same Vergola roof system to our apartment balcony and followed the same procedure the owners of 4722 had gone through, namely informing all other owners within the complex of the development proposal, having architectural plans prepared, lodging a development application and paying the lodgement fee of \$1,300.

In early October 2021 we received a letter from the PBC dated 1st October 2021 that in part stated as follows:

"RESOLVED that the Architectural Committee having considered the development application for Patio at 4728 The Parkway noting that the application has no significant impact on neighbouring properties and does not appear to alter the character of the property endorsed the application by the Principle Body Corporate conditional upon the application being considered by the Washingtonia body corporate in accordance with BUGTA Section 37A Improvements etc to common property by proprietor of Lot."

Note; for purpose of emphasis wording of the conditions in the ARC approval relating to building on common property have been highlighted in bold italic font.

The PBC Executive Committee in their letter of the 1st October 2021 advised that the Executive Committee had "accepted the resolution of the ARC" at its meeting on the previous day.

At the September 2021 Washingtonia EGM meeting the owners of 4722 received approval to their building application. Our application submitted to the same EGM meeting failed to receive "approval without dissent" resulting in the body corporate refusing our building application.

We again sought body corporate approval to our building application on 4th October 2022 as well as 9th February 2023. On all three (3) occasions our application's seeking body corporate approval for our building works were unsuccessful, due the motions failing to achieve "approval without dissent." The attached affidavit submitted on behalf of the Washingtonia Committee explains why a sole objector, acting unreasonably, was able to frustrate and prevent us from obtaining body corporate approval to our building application.

In our appeal to the Referee our lawyers, Bugden, Allen Graham relying on civil and acoustic engineering consultants as well as town planning and real estate professional consultants' reports, were able to prove that we were not in fact proposing to build on common property, rather all proposed construction works would be wholly undertaken within our Lot. Our lawyers recommended to us that we refer the matter back to the ARC for their reconsideration.

After considering the professional consultant reports as well as the submission of our lawyers, the ARC on 1st August 2023, issued an "Updated Decision Notice" approving the Vergola roof installation to our Lot. We are greatly appreciative of the prompt and favourable reconsideration of the ARC on this matter and do not hold any resentment towards the personnel involved that initially incorrectly determined that the proposed Vergola roofs for our property (as well as our neighbour's property at 4722) would be installed on common property.

As a result of the original ARC approval incorrectly conditioning the installation of the Vergola roof to our balcony, my wife and I have suffered delays of two years in being able to install the Vergola roof to our balcony as well as incurring more than \$18,000 in legal fees, professional consultant costs and building delay costs. Our lawyers have advised that if we were to seek financial restitution against the PBC that the court would most likely rule in our favour and award damages equivalent to our financial losses. My wife and I want to avoid further stress and anxiety (plus additional legal costs) in having to take such action, if at all possible.

We would therefore appreciate the opportunity to meet with yourself and other members of the PBC and/or BCS, if appropriate to discuss this matter and hopefully achieve an amicable outcome acceptable to both parties.

Yours Sincerely



Graeme and Annette Jones

COPY

SOUTHPORT MAGISTRATES COURT

REF NO. SM15039/22

Applicants: GRAEME AND ANNETTE JONES

and

Respondents: THE BODY CORPORATE FOR WASHINGTONIA

This is to certify that this is a true and complete copy of the original / signed / document which I have signed.

Date: 16/11/2022

Signature: [Handwritten Signature]

Name: BRISCOLL JANE MARY



AFFIDAVIT

I, **ANTHONY JOHN ELLINGFORD**, of 5825 Bayview Walk, Sanctuary Cove, Queensland, 4212, in the State of Queensland, retiree, state on oath as follows:

The Washingtonia Committee acknowledge Lot 149 owners were the sole dissenting vote to the balcony changes proposed by Lot 155 owners and further, the committee are of the opinion the actions of Lot 49 owners reflected in their dissenting vote, is irrational and irresponsible, and appears to represent their opposition is prompted by spite, or ill-will, against the Applicants.

The Washingtonia Committee recognise Lot 149 owners appear to have become critical towards Lot 155 owners since Mr Graeme Jones replaced Mr Ross Wharton as the Harbour Terraces Delegated Representative and subsequently, Lot 149 owners routinely find fault in the Harbour Terraces undertakings completed by Mr Graeme Jones and Lot 149 owners also consistently oppose motions proposed by Lot 155 owners, and are the only Lot owners to do so. At the request of Lot 149 owners, and in an attempt to reach conciliation, the committee agreed to call a meeting of all parties on 13 October 2022 (Minutes attached as Annexure 'A'), however Lot 149 owners refused to attend. In an additional attempt to resolve the tension between Harbour Terraces lot owners, the Washingtonia Committee has recommended engaging an experienced professional mediator to seek conciliation. To date Lot 149 owners have not agreed to take this process seriously. Consequently, in the opinion of the committee, it appears to represent that Lot 149 owners' opposition is being prompted by spite, or ill-will, or a desire for attention.

The Washingtonia Committee acknowledge receipt of three (3) affidavits received from Lot Owners within Harbour Terraces BUP 107151 and their request for these to be included with this Affidavit, and therefore I have included these with my affidavit as Annexure 'B'. The three (3) lot owners have requested their affidavits be included to show their full support of Lot 155 owners Mr Graeme and Mrs Annette Jones balcony changes proposed and full support of their appeal application documentation submitted in relation to REF NO. SM15039/22.

Further to the above, the Washingtonia Committee formally support the balcony changes as proposed and the appeal application documentation in relation to REF NO. SM15039/22 as submitted by Lot 155 on the 02 November 2022 and seek the support of the Magistrates Court to rule in favour of same.

All of the facts and circumstances above deposed to are within my knowledge save such as are deposed to from other information only and my means of knowledge and sources of information appear on the face of this affidavit.

Subscribed and sworn to before me by **Anthony John Ellingford** on **16 November 2022** at Sanctuary Cove in the presence



Deponent: **Anthony John Ellingford**

Justice of the Peace: **WARRICK JADE**



WARRICK JADE
MAGISTRATE (QUAL)

PLUMERIA BODY CORPORATE GTP 2207

A part of the Sanctuary Cove Resort Community



Referee's Order

Application No: 0153-2022

Decision Date: 2 June 2022

This application, in part, sought orders requiring compliance with Residential Zone Activity By-Law 4.4.2:

"A recreational vehicle (which includes but is not limited to a camper unit, house car, motorhome, boat or boat trailer) may be stored or kept elsewhere on a Lot (other than on the Lot's designated parking area) if the recreational vehicle is screened so it is not visible from any other Lot".

The applicant (PBC) says non-compliance arises because the boat and its trailer are parked on the driveway in view of the Secondary Thoroughfare. It additionally says that 4.4.2 specifically refers to recreational vehicles and requires them to be kept elsewhere on a lot and screened from view.

The respondent says that 4.4.2 operates to provide an alternative or additional parking area for recreational vehicles, i.e., other than the driveway, but it does not forbid parking those vehicles on the driveway.

Referee Sutherland dismissed the application concluding:

"In light of the above, I am not satisfied that the respondents have contravened the by-laws. Further, I do not agree that the by-laws require the respondents to keep their boat and trailer somewhere other than in their designated parking area and out of sight of the Secondary Thoroughfare. Rather, the respondents may choose to keep those vehicles on their lot's driveway, in their designated parking area".

It is Plumeria's view, the Sanctuary Cove community generally believes the intention of RZABL 4.4.2 is to prevent recreational vehicles being parked in parking spaces visible from the Secondary Thoroughfare. It is also Plumeria's view, the community believes and expects this by-law should be, and is being, enforced. Notwithstanding, it is evident the community's general amenity objectives, in respect to recreational vehicles, are reliant wholly and only on the willingness of those presently and voluntarily arranging offsite parking and storage to comply with the understood intent.

To maintain amenity standards and to enforce fair, impartial treatment across the site, Plumeria request the PBC restore the intended purpose of by-law 4.4.2 by a minor wording correction. Suitable wording is identified in Referee Sutherland's Order.

John Reid
Chairperson Plumeria

From: [John Reid](#)
To: [Jodie Syrett](#)
Cc: [PBC](#); [RBC - Plumeria](#); [Nick Eisenhut](#); [Neil Taylor](#)
Subject: Re: Plumeria by-law amendment
Date: Tuesday, 19 December 2023 3:04:04 PM
Attachments: [image001.png](#)
[Residential Zone Activity By-Law 4.4.2.pdf](#)

Hi Jodie,

Further to correspondence below, I notice that Item 6, Correspondence for Information/Action, contained in the PBC EGM 30 November 2023 minutes, reaffirms PBC intention to make correcting amendments to RZABL 4.4.2.

Please confirm that the PBC advice to Plumeria, dated 12 Oct 2023, is withdrawn. If you are able, please also advise when the task of redrafting RZABL 4.4.2 will commence and whether the assistance of Plumeria is required.

Regards,
John Reid
For Plumeria

On 25 Oct 2023, at 3:26 pm, John Reid <jfreid@bigpond.net.au> wrote:

I refer to the correspondence below.

This advice was unexpected as it contradicts understanding of PBC intentions recorded at its August 2023 meeting. An opportunity to clarify apparent conflicts arose at a Plumeria 'Meet & Greet' meeting on 17 October. At this meeting Mr St George confirmed that the PBC continues to take all necessary steps to achieve recommended changes to RZABL 4.4.2. This assurance leaves outstanding only a point for clarification together with Plumeria's informal observation on the thrust of the PBC advice being offered.

Distinction Between Plumeria and PBC Relevant By-Laws

Please clarify whether Referee Application No.0153-2022 was lodged by the PBC in respect to compliance with PBC, RZABL 4.4.2, or was lodged on behalf of Plumeria in respect to Plumeria by-laws. This point arises from advice, contained in your correspondence, creating uncertainty about which body corporate has the obligation to address the consequences of the application.

Observations

Irrespective of the uncertainties contained in the correspondence, the informal view of Plumeria residents canvassed on the topic is strongly against creating a situation where attitudes to activity by-laws are interpreted, or enforced, differently across the site by each RBC or by the PBC. Bringing the failure of application No.0153-2022 to the PBC's attention was prompted by a need for the matter to be addressed site wide, not because of a belief that Plumeria subscribes to a concern not shared by the majority within the residential zones. If there is a tactical advantage to the whole community in Plumeria driving the desired amendments I am sure Plumeria will consider what contribution it can make, but the objective is to correct by-law 4.4.2 site wide.

Please express to Greg Herring, Plumeria's appreciation for his research into this matter.

Regards,

John Reid
Plumeria Chairperson

On 12 Oct 2023, at 7:47 am, PBC <pbcc@scove.com.au> wrote:

Good Morning John,

The PBC considered your correspondence attached and have provided the below response.

As part of the 2019 attempted rewrite of the RZABLS there were substantial changes proposed for the Clause. No changes have ever been made or gazetted.

The Plumeria RBC Bylaws relating to this topic have been taken from the PBC RZABLS but there are substantial differences. For example, the PBC RZABL 4.4 includes eight (8) subclauses whereas the Plumeria Bylaws include only six (6). Even the six are not mirrors of the PBC equivalents.

Therefore, to incorporate the recommendations from the Referee's Order into the PBC RZABLS would require substantial change – possibly including some of the 2019 suggested changes. To have this passed by the PBC might be much more difficult and time consuming.

If Plumeria wishes to have in place changes which would incorporate the Referee's suggestions, in a reasonable time frame, I suggest that it simply passes a new Bylaw.

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



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ITEM 4

From: [Building Approvals](#)
To: erskine@qldbar.asn.au
Cc: "[Linda Toussaint](#)"; rbamford@superiorjetties.com; gillian.erskine@gmail.com; PBC
Subject: FW: 7020/7022 Riverview Pontoon Maintenance
Date: Wednesday, 17 January 2024 7:56:01 AM
Attachments: [image001.png](#)
[StatDec.pdf](#)
[Harbour Three - Harpullia, Plumeria and Acacia Quay Line Plan.pdf](#)
[image001.png](#)

Good Morning Ian,

Thank you for your email, confirming receipt.

Please be advised that I have passed this matter along to the Principal Body Corporate (PBC) for their consideration at their next meeting.

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

Kind Regards,

CAITLIN COOMBRIDGE

Building Approvals Manager

Direct 07 5500 3316 | caitlin.coombridge@scove.com.au
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



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From: Ian Erskine <
Sent: Tuesday, January 16, 2024 3:11 PM
To: Building Approvals <buildingapprovals@scove.com.au>
Cc: Linda Toussaint ; r; Erskine Gillian <
Subject: Re: 7020/7022 Riverview Pontoon Maintenance

Dear Caitlin

Thank you for your correspondence.

As previously advised, we have engaged Mr Rob Bamford of Superior Jetties to advise of options to repair and maintain the jetty and we are waiting upon his advices.

No proposals or plans have been finalised and the only works carried out to date were the re-float and removal of the sunken part of the pontoon for its repair.

Thank you for the correspondence that you provided to us from 2002 when approvals for a new quay-line were being obtained.

We note your comment with respect to the quay-line plan (dated 28.06.02) stating that structures are not permitted. However, other later correspondence you have kindly provided us is not consistent with the statement on the plan and it appears most likely that the plan provided has been superseded by a later plan.

In particular, we point out that the letter from the EPA to Burchill Partners dated 3 October 2002 states (at paragraph 1) that "...this Agency records that the necessary sanction has been obtained for the construction of a pontoon at lot 28. This matter will require clarification." This statement indicates the plan was superseded by later applications as under the original plan lot 28 was designated as not permitted. The correspondence further indicates that a similar sanction had been applied for with respect to lots 26 and 27 as well.

We also refer to the Birchell Partners letter of 18 Nov 2002 which requests the BC Mulpha Sanctuary Cove to "provide letters supporting the proposed quayline from the registered proprietors of lots (i) 26, 27 and 28." The letter refers to amendments to the original plan which were 'included in an enclosed drawing' which unfortunately we have not been supplied with.

At the very least it is clear that Lot 28 has been permitted a quayline and an application was processed for Lots 26 and 27. Given that Lot 28 had been approved it is implausible that Lots 26 and 27 were not similarly sanctioned at about that time.

The existing pontoon is very old and was probably constructed not long after the quayline was approved in 2002. Initial advice from Superior Jetties is that it is some 20 to 25 years old.

The pontoon was in existence when Linda purchased 7020. Linda also arranged a statutory declaration to be obtained from the previous owner of 7020, Brent Dallow (**see attached**).

That statutory declaration states that the pontoon was there when he purchased 7020 from Charles and Ann O'Brien on 6 October 2003.

In view of the above we look forward to the body corporate's confirmation that we are able to proceed as so advised by Mr Bamford.

Should you require any further information please revert.

Thanks for your assistance.

Kind Regards

Ian A. Erskine

On 9 Jan 2024, at 3:58 pm, Building Approvals
<buildingapprovals@scove.com.au> wrote:

Good Afternoon Linda, Ian and Gillian,

Thank you for the below, confirming receipt.

We note that a response has been requested by Monday, 15 January 2024. Please be advised that as the Principal Body Corporate (PBC) will assess and make a decision on the below request, it is unfortunately not possible to have a response by this date as the PBC are not scheduled to meet for a few weeks.

As the pontoon structure is located in an area in which a structure is not permitted (per the attached Quay Line Plan), the PBC Committee will need to discuss the history of the matter.

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

Kind Regards,

CAITLIN COOMBRIDGE

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

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From: Linda Toussaint <
Sent: Thursday, December 21, 2023 3:44 PM
To: Building Approvals <buildingapprovals@scove.com.au>
Cc: ;
Subject: Re: 7020/7022 Riverview Pontoon Maintenance

Dear Building Approvals

Pontoon at 7020/7022 Riverview Crescent - Maintenance and Repair to Existing Pontoon

Linda Toussaint, owner of 7020 Riverview Crescent, Sanctuary Cove purchased in September 2009 confirm that I agree with the contents of the letter written by Ian and Gillian Erskine, owners of 7022 Riverview Crescent.

I am keen to work together with Gillian and Ian to resolve the issue with our pontoon.

Best regards,
Linda Toussaint

On 21 Dec 2023, at 2:47 pm, Ian Erskine <

Dear Building Approvals

Pontoon at 7022 Riverview Crescent - Maintenance and Repair to Existing Pontoon

Ian Erskine and Gillian Erskine are the proprietors of 7022 Riverview Crescent, Sanctuary Cove having purchased the property on 26 August 2022.

We were recently contacted by security to notify us that part of the pontoon had sunk.

We (together with Linda Toussaint of 7020) engaged Superior Jetties to undertake repairs and attend to any other issues.

This morning Gold Coast barges have floated the sunken section and towed it away to undergo repairs.

The existing pontoon is very old - estimates of 25 to 30 years we are told - and requires maintenance and repair,

We are closely co-ordinating with Superior Jetties to resolve all issues.

Please advise of any issues undertaking this work.

If we do not hear from you by 15 January 2024, we will continue with the maintenance works.

—

Kind Regards, Ian and Gillian Erskine.

29 November 2002

The Chairman
Sanctuary Cove Principal Body Corporate
C/o Body Corporate Services
PO Box 15
Sanctuary Cove, Qld 4212

RECEIVED
2 DEC 2002

BY:

Attn. Mark Muir



RE: HARPULLIA (HARBOUR THREE) QUAYLINE PLAN

Mark,

It appears that we almost have a final Quay line plan for harbour three with just a few minor details to sort out.

I have attached correspondence from Burchill Partners and EPA with some queries.

I do not think it is appropriate for me to be contacting residents for this type of request and I also believe you have the details of previously approved jetties.

In view of the above, could you please attend to the request by EPA and forward back to me when complete.

Thank you for your assistance in this matter and please feel free to call me should you wish any further information.

Yours sincerely

Eduard J. Van Der Waal
Property Division Manager

Cc Geoff Grady – CEO Mulpha Sanctuary Cove (Developments) P/L

MULPHA SANCTUARY COVE
(DEVELOPMENTS) PTY LIMITED
A.B.N. 20 098 660 318

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COUNTRY CLUB
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FINANCE
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HYATT
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MARINE VILLAGE
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REC CLUB
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SECURITY
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GOLF COURSE MAINTENANCE
(07) 5577 6087

PALMS GOLF BOOKINGS
(07) 5530 8070

• Evandale Place, 142 Bundall Road
Surfers Paradise Qld 4217
Australia

• PO Box 5017
Gold Coast Mail Centre Qld 9726
Australia

• Email: bp@burchillpartners.com.au

• Web Site: www.burchillpartners.com.au

• Telephone
International: +61 7 5574 0511
National: (07) 5574 0511

• Facsimile
Civil/Planning: (07) 5574 0011
Structural: (07) 5574 0505
TZ:tz
Let/28177

**BURCHILL PARTNERS
PTY LIMITED**
ACN 010 140 495



Our Ref: C2183/26
Contact: Mr T Zaremba

18 November 2002

The Manager
Mulpha Sanctuary Cove (Management) Pty Limited
PO Box 199
SANCTUARY COVE QLD 4212

ATTENTION: MR E VAN DER WAAL

Dear Sir,

**RE: SANCTUARY COVE – HARPULLIA (HARBOUR THREE)
QUAYLINE PLAN**


With regards to the Quayline Plan for Harbour 3 at Sanctuary Cove, please find enclosed the letters from both Queensland Transport and the Environmental Protection Agency.

In order for the Environmental Protection Agency to further consider and sanction the proposed quayline, could you please supply the following information:

1. Information on all previously approved pontoons within the proposed Quayline Plan, which have been identified in "Attachment A" supplied by the Environmental Protection Agency.
2. Letters supporting the proposed quayline from the registered proprietors of lots:-
 - (i) 26,27 and 28
 - (ii) 117,120 and 121
 - (iii) 4 and 5

The amendments requested by the Environmental Protection Agency to drawing number C2183:26:50 have been completed as shown on the enclosed drawing. Further amendments will develop once the above requested information has become available.

Yours faithfully,
BURCHILL PARTNERS PTY LIMITED


E.J. BATE
Director

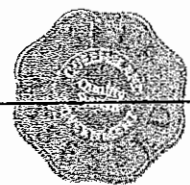
enc.

• **Brisbane Office**
Level 8, 345 Ann Street,
Brisbane Qld 4000
Telephone: (07) 3211 8547

• **Overseas Offices**
Tokyo – Japan
Johor Bahru – Malaysia

• **Directors**
H.A. Parker
E.J. Bate
R.M. Windsor
D.T. Kleimeyer
J.C. Stone
G.G. Buntine
P.R. Bell

• **Associates**
D.N. Dover
G.J. Durmisov



AS/NZS 160 9:2011-1594



**Queensland
Government**



Enquires J Harden
Telephone 3225 1225
Your reference C2183/26
Our reference BNE13787

Environmental Protection Agency.

Incorporating the
Queensland Parks and Wildlife Service

3 October 2002

Director
Burchill Partners Pty Ltd
PO Box 5017
GOLD COAST MAIL CENTRE QLD 9726

Attention: Mr E J Bate

Dear Sir

RE: PROPOSED QUAY LINE FOR SANCTUARY COVE – NEIGHBOURHOOD 3

I refer to your letter dated 20 September 2002 wherein you enclosed details of a proposed quay line for Sanctuary Cove.

This Agency's records indicate that the necessary sanction under section 86 of the *Harbours Act 1955* may have been granted for the construction of pontoons in the canal on the waterfrontage in this area. There are also a number of s86 applications, which are incomplete, for the construction of pontoons in this waterway. Please refer to 'Attachment A' for details of these pontoons.

So that your 'quay line' proposal may be further considered, the following matters require attention:-

1. Drawing Number C2183:26:50 indicates that there is:-

(a) To be no structures on the waterfrontage of lots 26, 27 and 28.

However this Agency's records that the necessary sanction has been obtained for the construction of a pontoon at lot 28. This matter will require clarification.

Additionally, would you also please provide:-

(i) A list detailing the owner, street address and lot numbers for lots 26, 27 and 28.

(ii) Letters for the registered proprietors of lots 26, 27 and 28, supporting the proposed quay line for this section of waterway.

- (b) A designated pontoon arrangement for lots 117, 120 and 121.

However this Agency's records that the necessary sanction has been obtained for the construction of pontoons at lots 120 and 121. This matter will require clarification.

Additionally, would you also please provide:-

- (i) A list detailing the owner, street address and lot numbers for lots 117, 120 and 121.

- (ii) Letters for the registered proprietors of lots:-

- 117, 120 and 121 supporting the proposed quay line for this section of waterway.
- 120 and 121 confirming that there is no objection to the quay line being set four (4) metres further into the waterway than their sanctioned pontoons.

- (c) A 'quay line' exclusion area for lots 4 and 5.

In this regard, would you please provide:-

- (i) A list detailing the owner, street address and lot numbers for lots 4 and 5.

- (ii) Letters for the registered proprietors of lots 4 and 5 supporting the proposed quay line for this section of waterway.

2. Would you please provide three copies (2 copies at full size and 1 copy reduced to A3 size) of Drawing Number C2183:26:50 amended to:-

- (a) For the 'transition' between the 12 metre and 10 metre at lot 118, clearly identify the location (i.e. dimension the position) of the transition.

- (b) For lots 117, 120 and 121 include full details of this area, showing the:-

- (i) Location of the existing sanctioned pontoons for lots 120 and 121.
- (ii) Water allocation dimensioned.

- (c) Dimension the position of the 'quay line' exclusion area for lots 4 and 5.

- (d) Include a note that:-

"The location restrictions and winch-up vessel restrictions are the requirements of the Sanctuary Cove Resort (Sanctuary Cove Body Corporate)."

Yours sincerely



John Harden

Principal Technical Officer

Coastal Licencing (Structural Approvals)

'Attachment A'

Location	RP Location	Sanctioned / application	Distance extends into the canal.
Marine Drive East	Lot 36 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 35 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 34 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 33 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 32 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 31 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 30 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 29 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 28 GTP 2207	Sanctioned	10 metres
Marine Drive East	Lot 100 GTP 106961	<u>Application</u>	10 metres
Keyside Close	Lot 106 GTP 106999 ✓	Sanctioned	10 metres
Keyside Close	Lot 102 GTP 106999	<u>Application</u>	8 metres
Keyside Close	Lot 103 GTP 106999	<u>Application</u>	8 metres
Keyside Close	Lot 104 GTP 106999	<u>Application</u>	8 metres
Keyside Close	Lot 107 GTP 106999	Sanctioned	10 metres
Riverview Crescent	Lot 121 GTP 107032 ✓	Sanctioned	12 metres
Riverview Crescent	Lot 120 GTP 107032 ✓	Sanctioned	11 metres

Our ref 710/00141
Your ref C2183/26

Enquiries Greg Turner
Telephone +61 7 5583 8300
Facsimile +61 7 5583 8288



**Queensland
Government**

23 August 2002

Queensland Transport

Mr EJ Bate
Director
Burchill Partners Pty Ltd
PO Box 5017
Gold Coast Mail Centre Qld 9726



Dear Mr Bate

Sanctuary Cove - Harpullia (Harbour 3) Quayline Plan

Reference is made to your correspondence dated 21 August 2002 seeking comments on the proposed quaylines for Harbour 3 at Sanctuary Cove as detailed in supplied Drawing No. C2183:26:50.

The Quayline Plan has been examined and it is advised that the locations of the proposed quaylines are considered satisfactory to this office for future determination of navigation comment regarding the establishment of marine structures in these waterways.

The designated pontoon arrangement and indicative berthing arrangements have also been examined and it is advised that these arrangements are considered satisfactory as they appear in the supplied drawing.

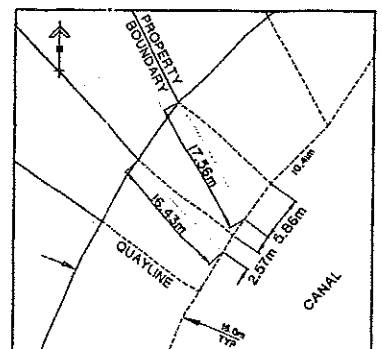
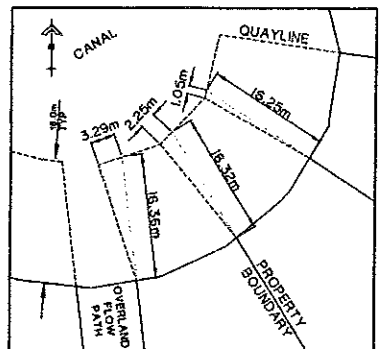
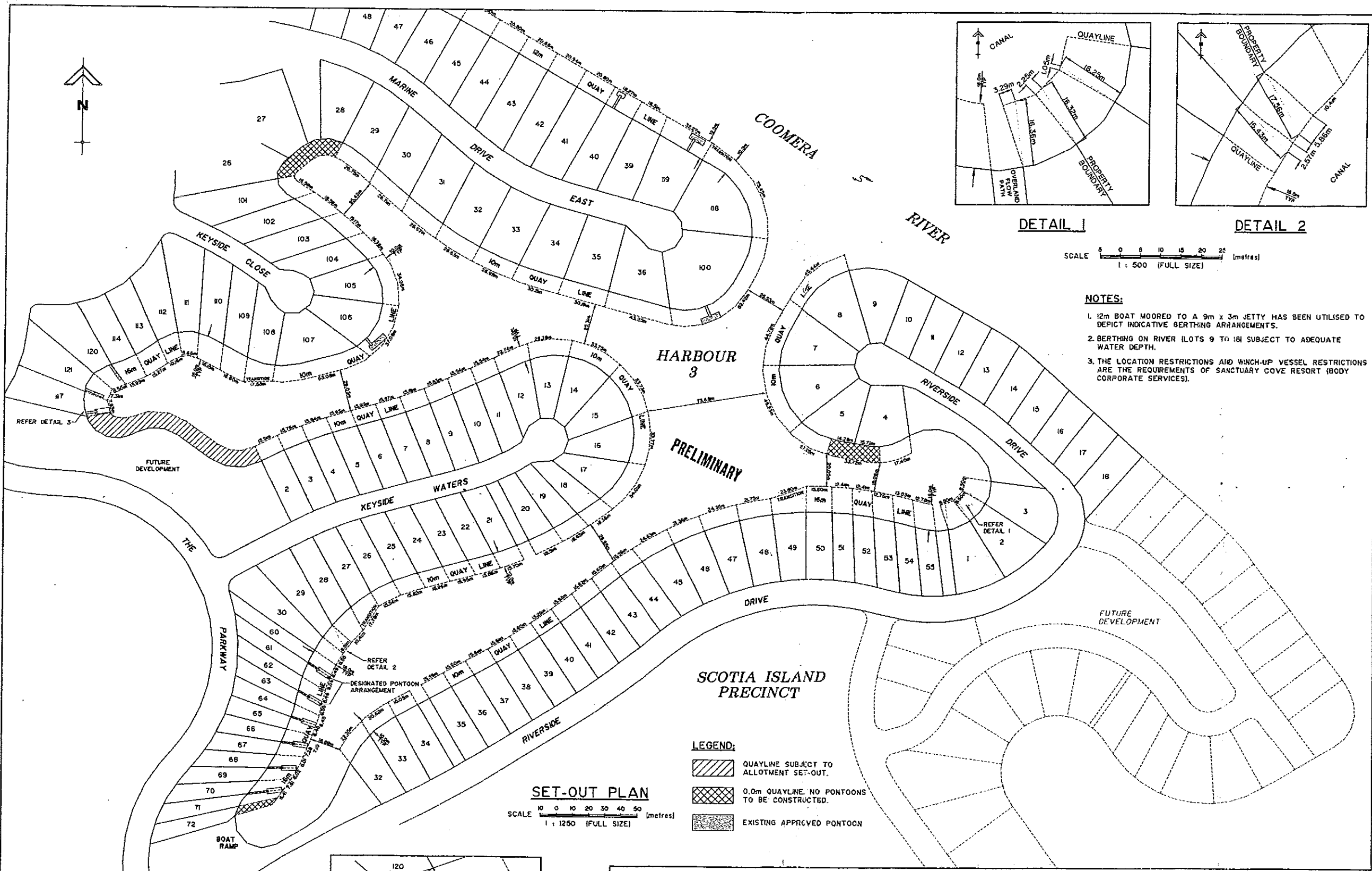
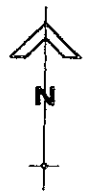
This letter should accompany your application to the Environmental Protection Agency.

Yours sincerely

Russell W Witt
Manager (Waterways and Infrastructure)

Captain AJF Diack
Harbour Master

Maritime Division
Gold Coast Region
40-44 Seaworld Drive Main Beach Qld 4217
PO Box 107 Southport Qld 4215



DETAIL 1

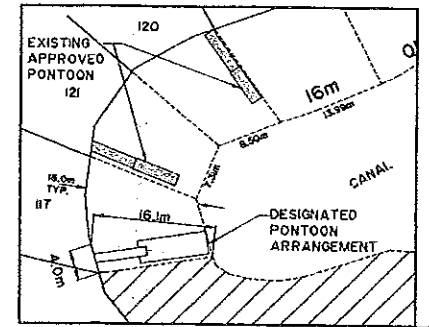
DETAIL 2

SCALE 0 5 10 15 20 25 (metres)
1 : 500 (FULL SIZE)

- NOTES:**
1. 12m BOAT MOORED TO A 9m x 3m JETTY HAS BEEN UTILISED TO DEPICT INDICATIVE BERTHING ARRANGEMENTS.
 2. BERTHING ON RIVER (LOTS 9 TO 18) SUBJECT TO ADEQUATE WATER DEPTH.
 3. THE LOCATION RESTRICTIONS AND WINCH-UP VESSEL RESTRICTIONS ARE THE REQUIREMENTS OF SANCTUARY COVE RESORT (BODY CORPORATE SERVICES).

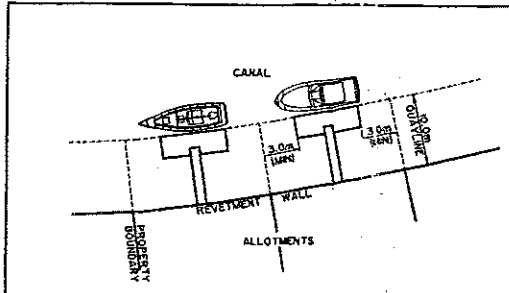
SET-OUT PLAN
SCALE 0 10 20 30 40 50 (metres)
1 : 1250 (FULL SIZE)

- LEGEND:**
- [Hatched pattern] QUAYLINE SUBJECT TO ALLOTMENT SET-OUT.
 - [Cross-hatched pattern] 0.0m QUAYLINE. NO PONTOONS TO BE CONSTRUCTED.
 - [Stippled pattern] EXISTING APPROVED PONTOON

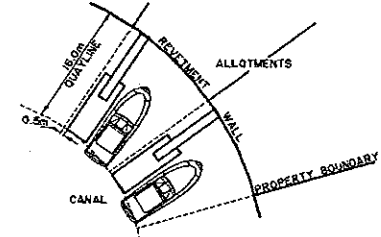


DETAIL 3

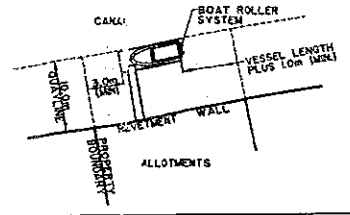
SCALE 0 5 10 15 20 25 (metres)
1 : 500 (FULL SIZE)



10m QUAYLINE (WET BERTH PONTOON)



16m QUAYLINE (INTERNAL CANALS)



10m QUAYLINE (DRY BERTH PONTOON)

INDICATIVE BERTHING ARRANGEMENTS

SCALE 0 5 10 15 20 25 (metres)
1 : 500 (FULL SIZE)



AREA :

ASSOCIATED CONSULTANTS :
SURVEYOR: TREASURE & ASSOCIATES

DATE	ISSUE

AMEND	DATE	DESCRIPTION	APPR.
A	15.10.02	EXISTING PONTOONS ADDED	
		ADDITIONAL NOTES	

AMENDMENTS

THESE DESIGNS AND DRAWINGS ARE COPYRIGHT AND ARE NOT TO BE USED OR REPRODUCED WITHOUT THE WRITTEN PERMISSION OF BURCHILL PARTNERS PTY LIMITED

DO NOT SCALE FROM THIS DRAWING

FULL SIZE : A1

DRAWING TITLE :

HARPULLIA QUAY-LINE PLAN

PRELIMINARY

BURCHILL PARTNERS PTY LIMITED

112 Bundel Road, Surfers Paradise, Qld. 4217
 Phone (07) 5574 0511
 Fax Civil (07) 5574 0011 Structural (07) 5574 0505
 Email: bp@burchillpartners.com.au

DESIGNED : TPZ DRAWN : TPZ
 CHECKED : DATE : 28.05.02
 FILENAME : 2852650

APPROVED FOR AND ON BEHALF OF
 BURCHILL PARTNERS PTY LIMITED
 RPE/ID No. 2043

DRAWING No. : AMENDMENT :
C2183:26:50 A

Form 1

Oaths Act 1867 (sections 13C, 13E, 14)

Version 2: approved for use from 30 April 2022

Statutory Declaration (Queensland) Electronic Version

This form allows you to make a statutory declaration under the *Oaths Act 1867* in Queensland. A statutory declaration is a written statement that is declared to be true in the presence of an authorised witness. In this document, you are referred to as the **signatory or declarant**.

Making a false statement in a statutory declaration is a criminal offence. If your statutory declaration is based on information or belief, you should state the sources of your information or the grounds for your belief. You can also attach documents to your statutory declaration to support your statement.

At the back of this form, you will find an explanatory guide about who can witness your statutory declaration. In some cases, you may need a **special witness** to witness your statutory declaration.

You can print this document and sign it on paper before any authorised witness. You can **electronically sign this document only if it is witnessed by a special witness or other authorised person**. You can have this document witnessed over audio visual link (e.g. videoconference) only if it is witnessed by a special witness or other authorised person.

You may direct another person to sign your statutory declaration for you – this person is called a **substitute signatory**. The witness must observe you directing the substitute signatory to sign the document for you. At the back of this form, you will find an explanatory guide about who can act as your substitute signatory, and who can witness your statutory declaration if a substitute signatory signs for you.

Forms and explanatory guides are available at
www.publications.qld.gov.au/dataset/statutory-declaration



Queensland
Government

Form 1
QUEENSLAND

Oaths Act 1867

STATUTORY DECLARATION

I, BRENT DALLOW, of ^{1902/12} ~~Southport~~ ^{Southport} ~~QLD 4215~~ do solemnly and sincerely declare that:

1. I was a registered proprietor of the property located at 7020 Riverview Crescent Sanctuary Cove more particularly described as Lot 27 on GTP 2207 Title Reference 17477209 ("property").
2. A copy of the Historical Title Search for the property dated 16 February 2023 is attached marked "A".
3. I together with Kaye Dallow purchased the property as tenants in common in equal shares on or about 6 October 2003.
4. We purchased the property from Charles and Ann O'Brien.
5. At the time that we purchased the property on or about 6 October 2003 there was already in existence and situated in the canal or waterway at the rear of the property a concrete pontoon shared with the property located at 7022 Riverview Crescent Sanctuary Cove.
6. An arial picture of the pontoon is attached marked "B". The structure and location of the pontoon has not changed.
7. For the entire period that we owned the property from 6 October 2003 to 2006:
 - (a) the pontoon was in existence in its current shape and location and the position has not changed;
 - (b) the pontoon was used from time to time by the occupiers of both properties;
 - (c) neither the Body Corporate nor the Local Authority raised any issue with regard to the presence pontoon or with respect to compliance;
 - (d) there was never any complaint made to us or the Body Corporate (to my knowledge) concerning the pontoon by any neighbour.

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that:

- A. This declaration was made, signed and witnessed under part 6A of the Oaths Act 1867.

DECLARED by

Brent David Dallas
[insert full name of declarant]

.....
[signature of declarant /
substitute signatory*]

at S. Kyport
[insert place where declarant is located]

27/3/2023
[date]

Signed for and at the direction of the
declarant by*

[Signature]
[insert full name of substitute signatory]*

*delete if not applicable

In the presence of:

BARBARA JEAN HAYES
[insert full name of witness]

[Signature]
[signature of witness]

J.P. (Rural) 2300
[insert type of witness]¹

27-3-2023
[date]

.....
[insert name of law practice / witness's
place of employment]²

*delete if not applicable



For special witnesses to complete – Tick as applicable

- I am a special witness under the Oaths Act 1967. (see section 12 of the Oaths Act 1967)
- This document was made in the form of an electronic document.³
- I electronically signed this document.⁴
- This statutory declaration was made, signed and witnessed under part 6A of the Oaths Act 1967 – I understand the requirements for witnessing a document by audio visual link and have complied with those requirements.⁵

**** IMPORTANT NOTE ****

**PLEASE COMPLETE THE NEXT PAGE TITLED
"HOW THIS DOCUMENT WAS MADE".
PLEASE ATTACH THIS PAGE TO YOUR STATUTORY DECLARATION.**

The footnotes are to assist in the completion of the form and can be deleted once complete.

¹ Insert the witness's capacity that makes them eligible to witness the statutory declaration, including as a special witness under section 16C or part 6A of the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc.

² For example, the name of the law practice for the Australian legal practitioner, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc.

³ Tick this box if you electronically signed the document or if you physically signed the document and sent a scanned copy of that document to the declarant.

⁴ Tick this box if you electronically sign the document using an accepted method under the *Oaths Act 1867*. Do not include this statement if you signed the document on paper.

⁵ Tick this box if the statutory declaration was made over audio visual link.

"A"

HISTORICAL TITLE SEARCH
QUEENSLAND TITLES REGISTRY PTY LTD

Request No: 43595752
Search Date: 16/02/2023 09:37

Title Reference: 17477209
Date Created: 07/03/1990

Previous Title: 17474239

REGISTERED OWNER

Dealing No: 712783698 09/10/2009

LINDA CHRISTINE TOUSSAINT

TRANSFER No 712783698
LINDA CHRISTINE TOUSSAINT
Lodged at 13:16 on 09/10/2009

TRANSFER No 709391753
VANESSA JANE ALLAWAY
Lodged at 12:20 on 24/02/2006

TRANSFER No 707053526
BRENT DALLOW TENANT IN COMMON 1/2
KAYE DALLOW TENANT IN COMMON 1/2
Lodged at 10:17 on 06/10/2003

TRANSFER No 702698276
CHARLES LINDSAY O'BRIEN
ANN MARCELLE O'BRIEN JOINT TENANTS
Lodged at 12:45 on 27/05/1998

TRANSFER No 707016707 REMOVED
Lodged at 10:22 on 24/09/2003

ESTATE AND LAND

Estate in Fee Simple

LOT 27 GROUP TITLES PLAN 2207
Local Government: GOLD COAST

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. RELEASE No 717338035
MORTGAGE: 715484366
Lodged at 13:15 on 23/06/2016
2. MORTGAGE No 715484366 CANCELLED BY 717338035
NATIONAL AUSTRALIA BANK LIMITED A.B.N. 12 004 044 937
Lodged at 13:21 on 11/12/2013
3. WITHDRAWAL No 712783696
CAVEAT: 712595161
Lodged at 13:15 on 09/10/2009

Page 1/3

Ally

"A"

HISTORICAL TITLE SEARCH
QUEENSLAND TITLES REGISTRY PTY LTD

Request No: 43595752
Search Date: 16/02/2023 09:37

Title Reference: 17477209
Date Created: 07/03/1990

EASEMENTS, ENCUMBRANCES AND INTERESTS

4. WITHDRAWAL No 712783695
CAVEAT: 711870658
Lodged at 13:15 on 09/10/2009
5. CAVEAT No 712595161 CANCELLED BY 712783696
JONATHON REVILL CHRISTOPHER ALLAWAY
AS TRUSTEE
Lodged at 11:58 on 15/07/2009
6. REMOVAL OF LAPSED CAVEAT No 712384316
being a lapsing of
CAVEAT 711817893
Lodged at 14:40 on 05/05/2009
7. CAVEAT No 711870658 CANCELLED BY 712783695
JONATHON REVILL CHRISTOPHER ALLAWAY
Lodged at 16:09 on 20/08/2008
8. CAVEAT No 711817893 LAPSED ON 12/05/2009
JONATHON REVILL CHRISTOPHER ALLAWAY
Lodged at 12:15 on 25/07/2008
9. RELEASE No 709391752
MORTGAGE: 707351825
Lodged at 12:20 on 24/02/2006
10. WITHDRAWAL No 709391747
CAVEAT: 709226804
Lodged at 12:19 on 24/02/2006
11. CAVEAT No 709226804 CANCELLED BY 709391747
KABALE HOLDINGS PTY LTD A.C.N. 003 482 246
Lodged at 11:49 on 16/12/2005
12. APPLICATION FOR TITLE No 707335208
A Certificate of Title has been issued
Lodged at 10:15 on 24/12/2003
13. MORTGAGE No 707351825 CANCELLED BY 709391752
ST.GEORGE BANK LIMITED A.C.N. 055 513 070
Lodged at 11:03 on 06/01/2004
14. RELEASE No 707053521
MORTGAGE: 704700428
Lodged at 10:17 on 06/10/2003
15. MORTGAGE No 704700428 CANCELLED BY 707053521
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937
Lodged at 13:45 on 11/04/2001

Attorneys

"A"

QUEENSLAND TITLES REGISTRY PTY LTD

Request No: 43595752
Search Date: 16/02/2023 09:37

Title Reference: 17477209
Date Created: 07/03/1990

EASEMENTS, ENCUMBRANCES AND INTERESTS

- 16. RELEASE No 704700425
MORTGAGE: 702698279
Lodged at 13:44 on 11/04/2001
- 17. MORTGAGE No 702698279 CANCELLED BY 704700425
STATE BANK OF NEW SOUTH WALES LIMITED A.C.N. 003 963 228
Lodged at 12:46 on 27/05/1998
- 18. EASEMENT No 602024160 (L49224V)
BURDENING THE LAND
TO LOTS 69 AND 70 ON GTP2207
OVER EASEMENT A ON RP222946
Lodged at 00:00 on 21/05/1992
- 19. RELEASE No 716438947 REJECTED ON 06/07/2015
Lodged at 09:37 on 20/04/2015
- 20. CAVEAT No 712227798 REJECTED ON 15/04/2009
Lodged at 11:21 on 18/02/2009
- 21. RELEASE No 707016706 REMOVED
Lodged at 10:21 on 24/09/2003
- 22. Rights and interests reserved to the Crown by
Deed of Grant No. 10196124 (POR 2)
Deed of Grant No. 10716119 (POR 2A)
Deed of Grant No. 16900219 (Lot 120 on CP WD5985)

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
702642077	SETTLMNT NTC	28/04/1998 09:55	NOT CURRENT
706971686	SETTLMNT NTC	10/09/2003 09:23	NOT CURRENT
707140234	SETTLMNT NTC	30/10/2003 11:27	NOT CURRENT
709365391	SETTLMNT NTC	15/02/2006 10:20	NOT CURRENT
712768659	SETTLMNT NTC	02/10/2009 12:23	NOT CURRENT
UNREGISTERED DEALINGS - NIL			

Caution - Charges do not necessarily appear in order of priority

** End of Historical Title Search **

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Requested By: D-ENQ INFOTRACK PTY LIMITED

Page 3/3

'B'

