



*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 28<sup>th</sup> March 2024, 11:00AM**

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

### **INDEX OF DOCUMENTS**

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

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

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

*Sanctuary Cove Body Corporate Services Pty Ltd, for the Secretary*

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

*Section 27*

*Building Units and Group Titles Act 1980*

*Building Units and Group Titles Regulations 1998*

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

**Notice of business to be dealt with at the  
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 28<sup>th</sup> March 2024, 11:00AM**

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

### **AGENDA**

1. Attendance record including admittance of proxies and voting papers
2. Quorum
3. Financial status of RBC's
4. Recording of the meeting
5. Motions
  1. Approval of PBC EGM Minutes 8<sup>th</sup> February 2024 pg 15
  2. Approval of PBC EGM Minutes 29<sup>th</sup> February 2024 pg 26
  3. Facilities – Expenditure for the engagement of Mass products to upgrade pit access systems for sewer pump station 15. pg 44
  4. Amendment to the Secondary Thoroughfare By-Laws to control parking
  5. Approval for shuttle buses through residential zone during Boat Show pg 54
  6. Approval of Legal Expenses: Amendment to Section 56 Sanctuary Cove Resort Act 1985 (Qld) (SCRA) and PTBC Lot Entitlement Amendments

## 6. Correspondence for Information

Pg 57

For noting of the PBC and the PBC EC

No	Date	From	To	Regarding
1	21 February 2024	Mulpha Developments	PBC Secretary	Request for motion at PBC Meeting regarding Section 56 of SCRA Pg 58
2	27 February 2024	PBC EC Member	The Honourable Meeghan Scanlon MP	Formal correspondence requesting a meeting. Pg 74
3	28 February 2024	PBC Secretary	Mulpha Developments	Formal correspondence regarding Section 56 of SCRA Pg 75
4	4 March 2024	BCMs	PBC Secretary	Formal advice to the PBC - Appointment of Members Nominee – RBCs excluding Felicia, Fuschia, Tristania Pg 77
5	6 March 2024	PBC Chairperson	SC Residents	Communication regarding the SCCSL March 2024 newsletter Pg 100
6	11 March 2024	SCCSL CEO	Tristania Resident	Decision notice on behalf of PBC to 1053 Pg 102
7	11 March 2024	SCCSL CEO	Alpinia Resident	Decision notice on behalf of PBC to 3049 Pg 103
8	11 March 2024	SCCSL CEO	Colvillia Resident	Decision notice on behalf of PBC to 5410 Pg 104
9	11 March 2024	SCCSL CEO	Ardisia Resident	Decision notice on behalf of PBC to 8950 Pg 105
10	13 March 2024	McCullough Robertson, Grace & Tallay Law	PBC EC	Quotes for Legal representation. Pg 107
11	14 March 2024	PBC Secretary	SCCSL CEO	Formal invitation to PBC meetings throughout 2024 Pg 111
12	14 March 2024	PBC Chairperson	Plumeria Resident	Decision Notice on behalf of PBC to 7022 Pg 112
13	18 March 2024	Washingtonia Resident	PBC	GCCC at Schotia Park Pg 113
14	19 March 2024	PBC EC Member	PBC	Briefing Notes for Lawyers Pg 115

**Correspondence for Action**

For noting of the PBC and the PBC EC

No	Date	From	To	Regarding
1.	11 March 2024	MN Zieria	PBC Chairperson	Sitewide kerbside Irrigation roll out

7. Business Arising

7.1 PBC MN access to records without fee discussion

7.2 Village update from MSCD

7.4 PBC Motions – April 2024

7.5 Next meeting to be held on Wednesday 24<sup>th</sup> April 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 28<sup>th</sup> March 2024 – 11:00AM

### Instructions

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

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

### Motions

<b>1</b>	<b>Body Corporate - Approval of Previous General Meeting Minutes – 8<sup>th</sup> February 2024 (Agenda Item 5.1)</b>	<b>ORDINARY RESOLUTION</b>
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Proposed by: Statutory Motion

<b>THAT</b> the Minutes of the PBC Extraordinary General Meeting held on 8 <sup>th</sup> February 2024 be accepted as a true and correct record of the proceedings of the meeting.	Yes	
	No	
	Abstain	

<b>2</b>	<b>Body Corporate - Approval of Previous General Meeting Minutes – 29<sup>th</sup> February 2024 (Agenda Item 5.2)</b>	<b>ORDINARY RESOLUTION</b>
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Proposed by: Statutory Motion

<b>THAT</b> the Minutes of the PBC Extraordinary General Meeting held on 29 <sup>th</sup> February 2024 be accepted as a true and correct record of the proceedings of the meeting.	Yes	
	No	
	Abstain	

**3 Facilities – Expenditure for the engagement of Mass products to upgrade pit access systems for sewer pump station 15 (Agenda Item 5.3) ORDINARY RESOLUTION**

Proposed by: PBC Chairperson

**THAT** The PBC agrees to expend \$14,430.90 Inc GST, plus a 10% contingency in the amount of \$1,443.00 Inc GST for the engagement of Mass Products for costs associated to upgrade the pit access systems for sewer pump station 15. Funds to be expensed from the Sinking Fund – Pumps – 22312.

Yes	
No	
Abstain	

And further notes that in order to maintain a consistency of access lid equipment across site, only one (1) quote was obtained. The PBC approves the reduction in the required number of quotes to be obtained from two (2) to one (1).

**FURTHER THAT** The PBC agrees to expend \$6,996.00 INC GST, plus a 10% contingency in the amount of \$699.00 Inc GST for the engagement of Smartstone Group Pty Ltd for costs associated with the civil works. Funds to be expensed from the Sinking Fund – Pumps – 22312.

And further notes that as this contractor is listed as a preferred supplier for this type of work, only one (1) quote was obtained.

**FURTHER THAT** The PBC agrees to expend \$5,810.89 Inc GST plus a 10% contingency in the amount of \$581 Inc GST for the engagement of The Plant Management Company to undertake garden restoration works. Funds to be expensed from the Sinking Fund – Pumps – 22312.

And further notes that as this contractor is listed as a preferred supplier for this type of work, only one (1) quote was obtained.

#### Preamble Motion 4

In most situations, two visitor parking places must be provided on a driveway, within a residential lot.

There have been instances where vehicles have been parking long-term outside of a residential lot, on the Secondary Thoroughfare roads, verges and other areas. As a general rule, this is not permitted within residential areas of the resort. This is encapsulated to a degree within the Residential Zone Activity By-Laws and the Development Control By-Laws.

To better control the parking of vehicles within the Secondary Thoroughfares, a recommendation is that the Secondary Thoroughfare By-Laws be amended to include a bylaw that forbids or limits the parking in these areas.

It's appreciated that there are circumstances where trade and maintenance people may have to park in the Secondary Thoroughfare but there are instances where residents, or their visitors, are not complying with this requirement on an ongoing basis.

<b>4</b>	<b>Amendment to the Secondary Thoroughfare By-Laws to control parking (Agenda Item 5.4)</b>	<b>SPECIAL RESOLUTION</b>
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Proposed by: PBC Chairperson

**THAT** the following amendment be made to the Secondary Thoroughfare By-Laws

-  
*Unless approved otherwise by the Principal Body Corporate, a person must not, and must not permit any invitee to –*

- 1. park a vehicle or allow a vehicle to stand on any part of the Secondary Thoroughfare unless that part of the Secondary Thoroughfare has been clearly delineated as a car park; and*
- 2. where a car park is delineated in a Secondary Thoroughfare, park a vehicle for more than four hours.*

Yes	
No	
Abstain	

#### Preamble Motion 5

At the February EGM the motion that sought approval for the Mulpha boat show organisers to run bus transfers through the residential areas was withdrawn because some members argued that there was insufficient information for the members to make an informed decision.

The PBC Chair met with the organisers to obtain responses to community concerns and questions.

The boat show is a significant annual event that continues to increase in popularity. The secondary benefit to the residents is the attention the event draws to SC as a unique resort environment to live in and experience. This must be weighed up against the inconvenience to, and peace and quiet of, residents during the 4-day event.

With the ongoing diminishment of land within the resort for boat show parking, the organisers are needing to find alternative car parking locations. All public carparking (about 2500 cars) is now offsite on theme park and council land with coach transfers to the event. Additional parking for about 1500

vehicles is required for support staff. Exhibitors are parking at the Rec Club and adjacent land and Cypress Point (700 to 800). Parking for hotel and village retail staff vehicles (about 400) is to be accommodated on Mulpha’s Sickle Ave site. The organisers are requesting PBC approval to transfer people from this carpark to the village via the residential areas, using 20-seat buses.

The organisers have advised and acknowledged the following -

- No general public or exhibitors will be permitted to use the Sickle Ave carpark or the shuttle buses through the residential areas. Boat show security personnel will supervise this requirement and the bus drivers will also be instructed to monitor as well.
- Hotel and Village retail staff start, and finish times are staggered through each day. The buses would run between 7am and 5.30pm daily with a peak period from 8am to 10am. The buses are anticipated to be on 20-to-30-minute cycles depending on demand. Three buses would be used during the peak periods and two during the intervening period.
- The buses could run outside the resort, along Sickle Ave and Hope Island Road but the concern is for potential delays due to traffic congestion into the main entry of the resort.
- To mitigate disturbance and inconvenience the organisers have agreed to change the proposed route through the Village Gate to access via the security roundhouse gate. The route taken would be along the Parkway to the Schotia Island Bridge roundabout then a right along Edgecliff Drive to the Sickle Ave gate. The buses would use the visitors' lane at the gates so as not to delay residents' access.
- The drivers will not let passengers off or on the buses along the prescribed route.
- The PBC’s approval is for this year’s event only. The intention is to seek PBC approval each year well in advance of the event. Sufficient information and consultation will be provided for the PBC to make an informed decision.
- Free entry tickets to the event will be provided to residential owners again this year.

The organisers have provided an information summary for inclusion in the EGM meeting booklet.

<b>5</b>	<b>Approval for shuttle buses through residential zone during Boat Show (Agenda Item 5.5)</b>	<b>ORDINARY RESOLUTION</b>
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Proposed by: PBC Chairperson

**THAT** the PBC EGM approves and accepts shuttle buses to transit through the residential zone during the 2024 Sanctuary Cove International Boat Show. The shuttle will commence from an event car park located off Sickle Avenue into the cove to cater for Village tenants and hotel staff and potentially other additional stakeholder groups as required.

Yes	
No	
Abstain	

## **Preamble Motion 6**

29 June 2023, the Sanctuary Cove Principal Body Corporate (PBC) executive committee (EC) members received a communication from MBA lawyers, under instruction from the Primary Thoroughfare Body Corporate (PTBC), to enter a Deed of Agreement to amend Section 56 of the Sanctuary Cove Resort Act 1985 (Qld) (SCRA). The fee for legal service from MBA Lawyers was paid by Mulpha Sanctuary Cove Developments (MSCD).

The PTBC proposed the following at p10:

- (a) The PTBC and PBC enter the enclosed Deed of Agreement.*
- (b) The parties work together to obtain any necessary expert opinion or advice in relation to the town planning effects an amended Section 56 would have.*

Rather than provide a written reply, the PBC Chairperson entered into a verbal agreement with MSCD and Sanctuary Cove Golf and Country Club Holdings (SCGCCH) representatives to confer on s56 and other associated matters with the ultimate intent of obtaining independent legal advice on amendments to the SCRA encompassing all possible outcomes. Mulpha's interest in continuing this process appears to have ceased.

No further communication from the PTBC or MSCD was received until February 2024 when Mr Barry Teeling, Mulpha's Development Manager Qld, wrote to the PBC with a repeated request to execute the same Deed of Agreement. The implication was the amendment would benefit the PBC and PTBC, with a particular emphasis on the preservation of the rights and entitlements of the owners within the Residential Zones.

The PBC EC members do not share Mr Teeling's opinion and consider the amendment may have the potential to undermine the original intention of the SCRA, adversely impact the rights and entitlements of the residential zone lot owners and increase the likelihood of a government approval for the development of lots 52 and 54, and similar future developments.

There is an important requirement for the PBC to seek the independent advice of an expert lawyer who is experienced in the SCRA and statutory planning legislation.

In Correspondence for Information, you will notice:

1. June 2023 letter and draft deed from MBA Lawyers.
2. February 2024 Mulpha letter from Mr Barry Teeling
3. February 2024 PBC response letter to Mr Barry Teeling
4. Briefing note to solicitors
5. Quotes from three solicitors

After assessing the quotes and the particular experience of the responsible person and their response to items 1 to 4 above, the PBC EC members are recommending that legal advice is sought from Mr Ian Hazzard, Partner, McCullough Robertson Lawyers.



**Mr Hazzard has assisted the Qld Govt in the past to review and draft legislation including the Sanctuary Cove Resort Act 1985 (Qld), Land Sales Act 1984 (Qld), Integrated Resort Development Act 1987 (Qld), and the body Corporate Community Management Act 1997 (Qld).**

Despite, his higher charge compared to less experienced legal counsel, Mr Hazzard is the most experienced and a recognised expert with hands-on involvement. A higher hourly charge from an experienced specialist can result in greater efficiency, and most importantly, better outcomes.

<b>6</b>	<b>Approval of Legal Expenses: Amendment to Section 56 Sanctuary Cove Resort Act 1985 (Qld) (SCRA) and PTBC Lot Entitlement Amendments (Agenda Item 5.6)</b>	<b>ORDINARY RESOLUTION</b>
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Proposed by: PBC Chairperson

**THAT** approval be given to engage the services of Mr Ian Hazzard LLB (Hons), McCullough Robertson Lawyers, to advise on the potential effects on the PBC residential owners of the proposed amendment to the SCRA Section 56 and the proposed PTBC Lot Entitlement disbursements for the development of dwellings, for an upper limit fee of \$10,000 with an option of a further \$10,000, subject to PBC’s approval.

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:** \_\_\_\_\_

**MOTION  
INFORMATION**



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

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

**Date and time of meeting:** Thursday 8<sup>th</sup> February 2024

**Meeting time:** 09:01AM – 09:57am

**Chairperson:** Chairperson – Stuart Shakespeare

### ATTENDANCE

**The following members were Present in Person at the meeting:**

Lot: Adelia GTP 107360 Owner: Adelia GTP 107360 Rep: Mr Gary Simmons  
 Lot: Alpinia GTP 107209 Owner: Alpinia GTP 107209 Rep: Mrs Dianne Taylor  
 Lot: Araucaria GTP 1790 Owner: Araucaria GTP 1790 Rep: Mrs Caroline Tolmie  
 Lot: Alyxia GTP 107456 Owner: Alyxia GTP 107456 Rep: Mr Stephen Anderson  
 Lot: Alphitonia GTP 107509 Owner: Alphitonia GTP 107509 Rep: Mr Stephen Anderson  
 Lot: Justicia GTP 107472 Owner: Justicia GTP 107472 Rep: Mr Stephen Anderson  
 Lot: Caladenia GTP 107399 Owner: Caladenia GTP 107399 Rep: Tony McGinty  
 Lot: Cassia GTP 1702 Owner: Cassia GTP 1702 Rep: Mr Peter Cohen  
 Lot: Colvillia GTP 2504 Owner: Colvillia GTP 2504 Rep: Mr Robert Nolan  
 Lot: Corymbia GTP 107406 Owner: Corymbia GTP 107406 Rep: Mrs Shawlene Nefdt  
 Lot: Felicia GTP 107128 Owner: Felicia GTP 107128 Rep: Mr Stuart Shakespeare  
 Lot: Harpullia GTP 107045 Owner: Harpullia GTP 107045 Rep: Paul Kernaghan  
 Lot: Livingstonia GTP 1712 Owner: Livingstonia GTP 1712 Rep: Mr Brian Earp  
 Lot: Plumeria GTP 2207 Owner: Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut  
 Lot: Roystonia GTP 1769 Owner: Roystonia GTP 1769 Rep: Cheryl McBride  
 Lot: Schotia Island GTP 107106 Owner: Schotia Island GTP 107106 Rep: Mr Wayne Bastion  
 Lot: Tristania GTP 107217 Owner: Tristania GTP 107217 Rep: Mr Mark Winfield  
 Lot: Washingtonia GTP 1703 Owner: Washingtonia GTP 1703 Rep: Mr Anthony Ellingford  
 Lot: 20 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Stephen Anderson  
 Lot: 81 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Stephen Anderson  
 Lot: 83 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Mr Mick McDonald

**The following members present by Voting Paper and In Person:**

Lot: Plumeria GTP 2207 Owner: Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut  
 Lot: Roystonia GTP 1769 Owner: Roystonia GTP 1769 Rep: Cheryl McBride  
 Lot: Washingtonia GTP 1703 Owner: Washingtonia GTP 1703 Rep: Mr Anthony Ellingford

**The following members present by Voting Paper:**

Lot: Acacia GTP 107053 Owner: Acacia GTP 107053 Rep: Mr Michael Longes  
 Lot: Fuschia GTP 107432 Owner: Fuschia GTP 107432 Rep: Mr Nabil Issa  
 Lot: Plumeria GTP 2207 Owner: Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut

**The following members were present by Proxy:**

Lot: Darwinia GTP 107488 Owner: Darwinia GTP 107488 Rep: Mrs Jane Burke to Mrs Cheryl McBride

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

**Present by Invitation:**

Mr Dale St George

Ms Jodie Cornish, Manager Body Corporate, SCBCS (Minute Taker)

**Apologies:**

Mrs Jane Burke

Mr Andrew Brown

Mr Peter Game

Mr Nabil Issa

Mr Michael Longes

Mr Gary Peat

Mr Richard Sherman

The following members were not financial for the meeting: **NIL**

A quorum was present.

The Meeting was recorded.

**Motions**

Proposed by: PBC Chairperson

**RESOLVED** 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	930
No	613
Abstain	0

- 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.

**NOTE:**

*Poll Vote called by Washingtonia and the PBC Secretary, vote carried (Annexure 1 attached)*

**Yes: 930 (51.01%)**

**No: 613 (33.63%)**

*Note: Discussion about the motion occurred encompassing –*

- *the relationship between this motion and the current Purchasing Policy (PP).*
- *recent non-conformances with the PP during 2023*
- *evidence of non-conformances*
- *the auditor's role, if any, in detecting non-conformances*
- *SCCSL's position*
- *adequacy of information flow*

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

<b>2</b>	<b>Body Corporate - PBC Appointment of Additional Nominee Director to Board of SCCSL &amp; Subsidiaries (Agenda Item 5.2)</b>	<b>POLL VOTE CARRIED</b>
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Proposed by: PBC Chairperson

**RESOLVED** 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.

Yes	1512
No	31
Abstain	0

**NOTE:**

*Poll Vote called by Washingtonia and the PBC Secretary, vote carried (Annexure 2 attached)*

**Yes: 1512 (82.94%)**

**No: 31 (1.70%)**

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

**6. Correspondence for Information**

- SS (Chairperson) read out and tabled a statement (*Annexure A*) – Comment on Correspondence for Information. A discussion followed encompassing -
  - further clarification on the statement
  - PBC records of correspondence being available to an owner upon request

**7. Business Arising**

- SS (Chairperson) read out and tabled statements (*Annexure B*) - Comment on newly appointed In-House Counsel and (*Annexure C*) - Statement on the role of a SCCSL Independent Director. A discussion followed encompassing -
  - opinions about the advantages and disadvantages of having an independent director
  - 2023 conduct of the SCCSL board.

**7.1 Next meeting to be held 29 February 2024 @ 11:00.**

**MEETING CLOSED @ 09:57am**

Chairperson: .....

# Annexure 1

PBC

POLL VOTING CALCULATOR Motion 1 PBC Expenditure

MEETING DATE 8/02/2024

STAGE	LOTS ENT	MEMBERS PRESENT	VP	PROXY	VOTE COUNT
S1	1 Acacia 1 28 1.54%	Michael Longes	VP		
S2	2 Adelia 1 41 2.25%	Gary Simmons			
S2	3 Alphitonia 1 39 2.14%	Stephen Anderson			
S2	4 Alpinia 1 75 4.11%	Dianne Taylor			
S2	5 Alyxia 1 46 2.52%	Stephen Anderson			
S2	6 Ardisia 1 55 3.02%	No Rep at PBC	No Rep at PBC		
S1	7 Araucaria 1 98 5.38%	Caroline Tolmie			
S2	8 Banksia Lakes 1 50 2.74%	Andrew Brown			
S1	9 Bauhinia 1 92 5.05%	Richard Sherman			
S2	10 Caladenia 1 31 1.70%	Tony McGinty			
S1	11 Cassia 1 116 6.36%	Peter Cohen			
S1	12 Colvillia 1 104 5.70%	Robert Nolan			
S2	13 Corymbia 1 37 2.03%	Shawlene Nefdt			
S2	14 Darwinia 1 22 1.21%	Jane Burke			
S2	15 Felicia 1 48 2.63%	Stuart Shakespeare			
S2	16 Fuschia 1 19 1.04%	Nabil Issa	VP		
S1	17 Harpullia 1 76 4.17%	Paul Kernaghan			
S2	18 Justicia 1 48 2.63%	Stephen Anderson			
S1	19 Livingstonia 1 96 5.27%	Brian Earp			
S2	20 Molinia 1 30 1.65%	Peter Game			
S1	21 Plumeria 1 88 4.83%	Nicholas Eisenhut	VP		
S1	22 Roystonia 1 65 3.57%	Cheryl McBride	VP		
S2	23 Schotia Island 1 113 6.20%	Wayne Bastion			
S2	24 Tristania 1 78 4.28%	Mark Winfield			
S1	25 Washingtonia 1 115 6.31%	Tony Ellingford	VP		
S2	26 Woodsia 1 27 1.48%	Ronald Peat			
S2	27 Zieria 1 26 1.43%	No Rep at PBC	No Rep at PBC		
	28 MSCD 1 110 6.03%	Stephen Anderson			
	29 MSCD 1 20 1.10%	Mick McDonald	VP		
	30 MSCD 1 30 1.65%	Stephen Anderson			
	30 1823			2	0

UNFINANCIAL	ELIGIBLE TO VOTE	VOTING (LOTS)			POLL VOTE RESULTS				STD VOTE RESULTS				
		Yes	No	ABSTAIN	YES	NO	ABSTAIN	TOTAL	YES	NO	ABSTAIN	TOTAL	
	28				28								
	41				41								
	39						39						
	75				75								
	46						46						
	55												
	98						98						
	50												
	92												
	31						31						
	116						116						
	104						104						
	37						37						
	22						22						
	48						48						
	19						19						
	76						76						
	48							48					
	96						96						
	30												
	88						88						
	65						65						
	113							113					
	78							78					
	115						115						
	27												
	26												
	110							110					
	20							20					
	30							30					
0	1823	0	0	0	930	613	0	1543	0	0	0	0	0
0		0	0	0	51.01%	33.63%	0.00%		#DIV/0!	#DIV/0!	#DIV/0!		

**SUMMARY**

TOTAL MEMBERS AT MEETING	28
TOTAL MEMBERS ELIGIBLE TO VOTE	28
LOTS PRESENT AT MEETING	1823
TOTAL MEMBERS ELIGIBLE TO VOTE	1823
TOTAL ENTITLEMENTS ELIGIBLE TO VOTE	1823
YES	930 51.01%
NO	613 33.63%
ABSTAIN	0 0.00%
	1543 84.64%
NO VOTE ENT	0 0.00%

POLL	SPECIAL	DISSENT
CARRIED		
	FAILED	FAILED



# Annexure 2

PBC

POLL VOTING CALCULATOR Motion 2 PBC App of PK

MEETING DATE 8/02/2024

STAGE	LOTS ENT	MEMBERS PRESENT	VP	PROXY	VOTE COUNT
\$1	1 Acacia 1 28 1.54%	Michael Longes	VP		
\$2	2 Adelia 1 41 2.25%	Gary Simmons			
\$2	3 Alphitonia 1 39 2.14%	Stephen Anderson			
\$2	4 Alpinia 1 75 4.11%	Dianne Taylor			
\$2	5 Alyxia 1 46 2.52%	Stephen Anderson			
\$2	6 Ardisia 1 55 3.02%	No Rep at PBC	No Rep at PBC		
\$1	7 Araucaria 1 98 5.38%	Caroline Tolmie			
\$2	8 Banksia Lakes 1 50 2.74%	Andrew Brown			
\$1	9 Bauhinia 1 92 5.05%	Richard Sherman			
\$2	10 Caladenia 1 31 1.70%	Tony McGinty			
\$1	11 Cassia 1 116 6.36%	Peter Cohen			
\$1	12 Colvillia 1 104 5.70%	Robert Nolan			
\$2	13 Corymbia 1 37 2.03%	Shawlene Nefdt			
\$2	14 Darwinia 1 22 1.21%	Jane Burke			
\$2	15 Felicia 1 48 2.63%	Stuart Shakespeare			
\$2	16 Fuschia 1 19 1.04%	Nabil Issa	VP		
\$1	17 Harpullia 1 76 4.17%	Paul Kernaghan			
\$2	18 Justicia 1 48 2.63%	Stephen Anderson			
\$1	19 Livingstonia 1 96 5.27%	Brian Earp			
\$2	20 Molinia 1 30 1.65%	Peter Game			
\$1	21 Plumeria 1 88 4.83%	Nicholas Eisenhut	VP		
\$1	22 Roystonia 1 65 3.57%	Cheryl McBride	VP		
\$2	23 Schotia Island 1 113 6.20%	Wayne Bastion			
\$2	24 Tristania 1 78 4.28%	Mark Winfield			
\$1	25 Washingtonia 1 115 6.31%	Tony Ellingford	VP		
\$2	26 Woodsia 1 27 1.48%	Ronald Peat			
\$2	27 Zieria 1 26 1.43%	No Rep at PBC	No Rep at PBC		
	28 MSCD 1 110 6.03%	Stephen Anderson			
	29 MSCD 1 20 1.10%	Mick McDonald	VP		
	30 MSCD 1 30 1.65%	Stephen Anderson			
	30 1823			2	0

UNFINANCIAL	ELIGIBLE TO VOTE	VOTING (LOTS)			POLL VOTE RESULTS				STD VOTE RESULTS				
		Yes	No	ABSTAIN	YES	NO	ABSTAIN	TOTAL	YES	NO	ABSTAIN	TOTAL	
	28				28								
	41				41								
	39				39								
	75				75								
	46				46								
	55												
	98				98								
	50												
	92												
	31						31						
	116				116								
	104				104								
	37				37								
	22				22								
	48				48								
	19				19								
	76				76								
	48				48								
	96				96								
	30												
	88				88								
	65				65								
	113				113								
	78				78								
	115				115								
	27												
	26												
	110				110								
	20				20								
	30				30								
0	1823	0	0	0	1512	31	0	1543	0	0	0	0	
0		0	0	0	82.94%	1.70%	0.00%		#DIV/0!	#DIV/0!	#DIV/0!		

**SUMMARY**

TOTAL MEMBERS AT MEETING	28
TOTAL MEMBERS ELIGIBLE TO VOTE	28
LOTS PRESENT AT MEETING	1823
TOTAL MEMBERS ELIGIBLE TO VOTE	1823
TOTAL ENTITLEMENTS ELIGIBLE TO VOTE	1823
YES	1512 82.94%
NO	31 1.70%
ABSTAIN	0 0.00%
	1543 84.64%
NO VOTE ENT	0 0.00%

POLL SPECIAL DISSENT

CARRIED

FAILED

I want to make a comment on the Correspondence for Information contained in today's meeting book.

My understanding is that the original reason for incorporating correspondence in the agenda was to inform PBC members of written communications received or sent on behalf of the PBC. The intent was not to include internal communications between the Chair and the EC and the manager.

I am disappointed and concerned the selected documents in today's meeting book are not the only communications on the subjects they relate to and that some of the contents in these communications are inaccurate and therefore misleading.

It must be remembered that the distribution of selected internal communications of this kind to all the RBC committee members is potentially damaging to the reputations of the individuals involved.

For example, I refer to a communication from Dale to me where he states that the motion the EC passed agreeing that the election of EC members be an open ballot was unlawful because it's only PBC who is empowered to do this. The motion Dale refers to actually states that the EC agreed to there being an open ballot but the motion also states that the question be referred to the PBC for its consideration.

The other example I wish to mention is the letter addressed to me from Brogan Watling (the inhouse counsel) on behalf of the manager regarding the calling of today's meeting. The contents of this letter are, in my opinion, inaccurate, misleading and damaging to me personally. It infers that I have little knowledge or respect for procedures, the workload of the management staff and that I demanded action by them.

There are a number of emails and other correspondence dating back to early last December that don't support the contents of this letter and which have not been included in the meeting book for this meeting.

I'm not suggesting that these examples are deliberate but the outcome and consequences are unfair to those affected.

I therefore request that the Secretary, Brian Earp, conduct a review with the manager of the types of correspondence that should be included in the meeting book and to consider the introduction of a procedure requiring his review of the meeting book contents before distribution.

I want to make a brief comment on the role of the newly employed in-house counsel, Brogan Watling.

I've received comments that having Brogan on board is a good idea because this should reduce the PBC's legal costs compared to outsourcing to external law firms.

My understanding is that this is not her role.

Our manager (SCCSL) has employed Brogan on a part-time basis to look after the wellbeing and interests of its employees only. This role includes written communications to PBC representatives, on behalf of its employees.

Brogan is not employed to provide legal advice to the PBC, because if she did, the company would be effectively providing legal advice to the PBC as a separate entity, which I understand it's not permitted to do, for regulatory reasons.

It should be noted, that based on the ratio of funds that the PBC contributes to the company, the PBC effectively pays over 80% of Brogan's wages and associated costs.

Brogan has kindly provided some information on her role to the EC, which is appreciated. For clarity and to avoid any ongoing misunderstanding, the EC is going to ask whether it's possible to obtain Brogan's full job description.

If members have any comments or questions, I'll allow time after the meeting is closed for a general discussion on this or any other matter related to the meeting.

Secondly, I want to make a statement on the appointment of an independent director to Sanctuary Cove Community Services Limited

This is my understanding of the process for the appointment.

Part 7 of the Shareholders Agreement means that the shareholders may, but are not obliged to, have an independent director on the board.

So firstly, it's the shareholders who need to agree that they wish to have an ID, by way of a shareholders meeting.

If the shareholders agree to have an ID then it's the Directors who need to agree on the process for finding and appointing the ID.

The intent on the PBC side is to take a motion to the next EGM to decide if they want to have an ID on the board. The outcome of this motion will determine how the PBC nominees vote at the shareholders' meeting.

So, this is an early notice to the PBC members of this forthcoming motion at our next EGM. I will issue a communication to you regarding this motion.

At tomorrow's PTBC EGM there is a motion that requests the SCCSL directors consider advertising externally for an ID.

I've sent an email to the PTBC chair (Stephen Anderson) requesting he consider my opinion on the required process and that he also consider a rewording of the proposed motion.



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

<b>Location of meeting:</b>	Meeting Room 1, Body Corporate Services Office Masthead Way, Sanctuary Cove QLD 4212
<b>Date and time of meeting:</b>	Thursday 29 <sup>th</sup> February 2024
<b>Meeting time:</b>	11:00AM – 1:00PM
<b>Chairperson:</b>	Chairperson – Stuart Shakespeare

### ATTENDANCE

**The following members were Present in Person at the meeting:**

Lot: Adelia GTP 107360 Owner: Adelia GTP 107360 Rep: Mr Gary Simmons  
 Lot: Alpinia GTP 107209 Owner: Alpinia GTP 107209 Rep: Mrs Dianne Taylor  
 Lot: Alyxia GTP 107456 Owner: Alyxia GTP 107456 Rep: Mr Stephen Anderson  
 Lot: Alphitonia GTP 107509 Owner: Alphitonia GTP 107509 Rep: Mr Stephen Anderson  
 Lot: Justicia GTP 107472 Owner: Justicia GTP 107472 Rep: Mr Stephen Anderson  
 Lot: Banksia Lakes GTP 107278 Owner: Banksia Lakes GTP 107278 Rep: Mr Andrew Brown  
 Lot: Bauhinia GTP 1701 Owner: Bauhinia GTP 1701 Rep: Mr Richard Sherman  
 Lot: Caladenia GTP 107399 Owner: Caladenia GTP 107399 Rep: Mr Tony McGinty  
 Lot: Cassia GTP 1702 Owner: Cassia GTP 1702 Rep: Mr Peter Cohen  
 Lot: Corymbia GTP 107406 Owner: Corymbia GTP 107406 Rep: Mrs Shawlene Nefdt  
 Lot: Darwinia GTP 107488 Owner: Darwinia GTP 107488 Rep: Mrs Jane Burke  
 Lot: Felicia GTP 107128 Owner: Felicia GTP 107128 Rep: Mr Stuart Shakespeare  
 Lot: Harpullia GTP 107045 Owner: Harpullia GTP 107045 Rep: Mr Paul Kernaghan  
 Lot: Livingstonia GTP 1712 Owner: Livingstonia GTP 1712 Rep: Mr Brian Earp  
 Lot: Molinia GTP 107442 Owner: Molinia GTP 107442 Rep: Ms Cheryl McBride  
 Lot: Plumeria GTP 2207 Owner: Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut  
 Lot: Schotia Island GTP 107106 Owner Schotia Island GTP 107106 Rep: Mr Wayne Bastion  
 Lot: Tristania GTP 107217 Owner: Tristania GTP 107217 Rep: Mr Mark Winfield  
 Lot: Woodsia GTP 107353 Owner: Woodsia GTP 107353 Rep: Mrs Faye Wyer  
 Lot: Zieria GTP 107434 Owner: Zieria GTP 107434 Rep: Mr Hugh Martin  
 Lot: 20 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Stephen Anderson  
 Lot: 81 Owner: Mulpha Sanctuary Cove (Developments) Pty Limited Rep: Stephen Anderson

**The following members present by Voting Paper and In Person:**

Lot: Plumeria GTP 2207 Owner: Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut

**The following members present by Voting Paper:**

Lot: Acacia GTP 107053 Owner: Acacia GTP 107053 Rep: Mr Michael Longes  
 Lot Araucaria GTP 1790 Owner: Aracauria GTP 1790 Rep: Mrs Caroline Tolmie  
 Lot: Colvillia GTP 2504 Owner: Colvillia GTP 2504 Rep: Mr Robert Nolan  
 Lot: Fuschia GTP 107432 Owner: Fuschia GTP 107432 Rep: Mr Nabil Issa  
 Lot: Roystonia GTP 1769 Owner: Roystonia GTP 1769 Rep: Mrs Simone Hoyle  
 Lot: Washingtonia GTP 1703 Owner: Washingtonia GTP 1703 Rep: Mr Anthony Ellingford

**The following members were present by Proxy:**

Lot: Roystonia GTP 1769 Owner: Roystonia GTP 1769 Rep: Mrs Simone Hoyle to Cheryl McBride

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

**Present by Invitation:**

Ms Jodie Cornish, Manager Body Corporate, SCBCS (Minute Taker)

Mr Peter Hay – Observer (Chairperson Woodsia)

Mr Ralph Carter – Observer (Alpinina)

**Apologies:**

Mr Michael Longes

Mr Nabil Issa

Mr Tony Ellingford

Mrs Simone Hoyle

Mrs Caroline Tolmie

Mr Mick McDonald

Mr Robert Nolan

The following members were not financial for the meeting: **NIL**

A quorum was present.

The Meeting was recorded.

## Motions

<b>1</b>	<b>Body Corporate - Approval of Previous General Meeting Minutes – 30<sup>th</sup> November 2023 (Agenda Item 5.1)</b>	<b>CARRIED</b>
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Proposed by: Statutory Motion

**RESOLVED** that the Minutes of the PBC Extraordinary General Meeting held on 30<sup>th</sup> November 2023 be accepted as a true and correct record of the proceedings of the meeting.

Yes	22
No	0
Abstain	6

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

<b>2</b>	<b>Approval of Annual General Meeting Minutes – 11<sup>th</sup> December 2023</b>	<b>ORDINARY RESOLUTION CARRIED</b>
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Proposed by: Statutory Motion

**RESOLVED** that the Minutes of the PBC Annual General Meeting held on 11<sup>th</sup> December 2023 be accepted as a true and correct record of the proceedings of the meeting.

Yes	22
No	0
Abstain	6

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



**3 Fee for Service – Insurance Advisernet (Agenda Item 5.3)**

**ORDINARY RESOLUTION  
CARRIED**

Proposed by: Statutory Motion

**RESOLVED** that the PBC accepts the Insurance Policy Fee for Service invoice from Insurance Advisernet for the management of insurance policies for the period 31/01/24 – 31/01/2025 in the amount of \$15,405 ex GST with the amount of \$2,311 ex GST being apportioned to the PTBC and the balance by the PBC.

Yes	28
No	0
Abstain	0

*This reflects a 15% increase on last year’s premium. It should be noted that no increase was taken for the past 2 years, and Insurance Mentor are assisting with several claims and therefore a higher than CPI increase has been levied.*

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

**4 Approval of Electronic Voting and Meeting Notices (Agenda Item 5.4)**

**CARRIED**

Proposed by: PBC Chairperson

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

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

Yes	28
No	0
Abstain	0

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

**5 Body Corporate – Strata Manager Services Agreement  
(Agenda Item 5.5)**

Proposed by: PBC Chairperson

**RESOLVED** that the PBC approve and accept the proposed Strata Manager Services Agreement renewal between StrataMax and SCCSL, which result in favourable changes to the Strata Corporation Price Schedule which reflects either a reduction in pricing or maintaining the current pricing.

Yes	26
No	2
Abstain	0

**Managing Agent:**

Service	Existing	New	Comments
StrataMax Fee	\$1,000 p/annum	\$1,000 p/annum	No change
Level 1 Support	\$120 p/hour	\$120 p/hour	No Change
Infrastructure Support	\$160 p/hour	\$160 p/hour	No Change
Project Management	\$160 p/hour	\$160 p/hour	No Change
Level 2/3 Support	\$160 p/hour	\$160 p/hour	No Change
Specialised Consultancy	\$200 p/hour	\$200 p/hour	No Change
Ongoing Training	\$160 p/hour or \$1,000 full day	\$160 p/hour or \$1,000 full day	No Change
Full Service	\$160 p/hour	\$160 p/hour	No Change
Software Conversion	\$160 p/hour	\$160 p/hour	No Change

**StrataMax:**

Service	Existing	New	Comments
StrataMax Licence Fee	<b>Standard Fee:</b> \$15.95 lot p/annum in advance <b>Alternate Fee:</b> \$15.95 lot p/annum in advance	<b>Standard Fee:</b> \$17.80 lot p/annum in advance <b>Alternate Fee:</b> \$14.50 lot p/annum in advance	New agreement price per lot p/annum reduced by 9.1%

**Strata Pay:**

Service	Existing	New	Comments
Aust Post – p/payment	<b>Standard Fee:</b> \$3.00 <b>Alter Fee:</b> \$1.60		New Agreement has (\$0.65) 41% reduction in transaction fees currently applied to owner payments made through the StrataPay Levy Collection System
BPAY – p/payment	<b>Standard Fee:</b> \$1.60 <b>Alter Fee:</b> \$1.60		
IVR – p/payment	<b>Standard Fee:</b> \$1.60 <b>Alter Fee:</b> \$1.60		
Web – p/payment	<b>Standard Fee:</b> \$1.60 <b>Alter Fee:</b> \$1.60		
Cheque payment – p/payment	<b>Standard Fee:</b> \$1.60 <b>Alter Fee:</b> \$1.60		
Direct Debit – p/payment	<b>Standard Fee:</b> \$1.60 <b>Alter Fee:</b> \$1.60		
EFT – p/payment	<b>Standard Fee:</b> \$1.60 <b>Alter Fee:</b> \$1.60		
C/C & Merch Fee - % of the payment amount	<b>S/F:</b> Visa 1.65% <b>A/F:</b> Visa 1.65%	<b>S/F:</b> Visa 1.65% <b>A/F:</b> Visa 1.65%	No Change
	<b>S/F:</b> M/Card 1.65% <b>A/F:</b> M/Card 1.65%	<b>S/F:</b> M/Card 1.65% <b>A/F:</b> M/Card 1.65%	No Change
	<b>S/F:</b> Amex 2.40% <b>A/F:</b> Amex 2.40%	<b>S/F:</b> Amex 1.65% <b>A/F:</b> Amex 1.65%	0.75% Reduction
	<b>S/F:</b> Diner 2.65% <b>A/F:</b> Diner 2.65%	<b>S/F:</b> Diner 2.65% <b>A/F:</b> Diner 2.65%	No Change
Dishonour or rejected	\$35.00	\$35.00	No Change
StrataPay payables	<b>S/F:</b> \$0.55 <b>A/F:</b> Free	<b>S/F:</b> \$0.55 <b>A/F:</b> Free	No Change

**StrataCash:**

Service	Existing	New	Comments
Period Payment Fee	\$2.20 per payment	\$2.20 per payment	No Change
Period Payment Est	\$15.00 per est	\$15.00 per est	No Change
Manual Intervention of Bureau Processing	\$10.00 per occasion	\$10.00 per occ	

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

**6 Approval for shuttle buses through residential zone during Boat Show (Agenda Item 5.6) WITHDRAWN**

Proposed by: PBC Chairperson

**RESOLVED** that the PBC EGM approves and accepts shuttle buses to transit through the residential zone during the 2024 Sanctuary Cove International Boat Show. The shuttle will commence from an event car park located off Sickle Avenue into the cove to cater for Village tenants and hotel staff and potentially other additional stakeholder groups as required.

Yes	
No	
Abstain	

**NOTE: Motion withdrawn due to inadequate supportive information. Motion to be tabled on PBC EGM meeting held 28<sup>th</sup> March 2024 with additional information.**

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

**Rationale Motion 7**

Under the Sanctuary Cove Resort Act 1985 (SCRA) the Principal Body Corporate Executive Committee members (PBC EC) are required to perform their powers, authorities, and functions to fulfil their expected roles. To ensure financial, budgetary, and governing decisions of the PBC are executed, access to reports and records is a necessary component of the EC members’ fiduciary duty.

Unlike previous years, when the Secretary’s and Treasurer’s positions were appointed and held by the Sanctuary Cove Body Corporate Services Manager, the 2024 duly elected persons do not have ready access to current and archived documents.

s36 SCRA deals with the rights of PBC and RBC members or their agents to access certain records, similar to the requests made by a legal practitioner on behalf of a purchasing client. A fee is charged for the provision of copied documents. SCRA is silent on the rights of a PBC EC member to access records with or without payment.

Reg. 232 s204 of the Body Corporate and Community Management Act 1997 (BCCMA) states:

- (i) *The body corporate must allow all members of its committee reasonable access without payment of a fee to the body corporate’s records.*

Proposed by: PBC Chairperson

**RESOLVED** that the PBC grants to the PBC EC members timely access to records of the PBC and its subcommittees without payment of a fee. Any specific record requested by an EC member that is stored electronically may be provided digitally in lieu of a physical copy.

Yes	25
No	3
Abstain	0

**NOTE: Discussion regarding rights of PBC to access records without payment. Expanded to consider access for all PBC members.**

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

**8 Approval of the Debt Recovery Policy (Version 15 - Agenda Item 5.8)**

**Ordinary Resolution  
CARRIED**

Proposed by: Statutory Motion

**RESOLVED** That the PBC EGM adopts the BC-25 Debt Recovery Policy Version 15 as attached to this Meeting Notice as **ANNEXURE ‘A’**.

That the Proprietors of PBC Titles Plan 202, **FURTHER RESOLVED** pursuant to the *Building Units and Group Titles Act 1980* for the purpose of collecting levy contributions to authorise the Body Corporate Manager (pursuant to section 50 of the Act) and/or the Committee to do any one or more of the following:

- a. to issue arrears notices, reminder notices and/or letters to seek recovery of levy contributions and the recovery of other debts, water including penalties, interest, legal and other costs;
- b. to retain legal representation of Grace Lawyers Pty Ltd on behalf of the Proprietors - PBC Group Titles Plan 202;
- c. to issue demands, commence, pursue, continue, maintain or defend any court, tribunal or any other proceedings on behalf of the Body Corporate against any lot owner, mortgagee in possession and/or former lot owner in relation to all matters arising out of the recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs;
- d. enter and enforce any judgment obtained in the collection of levy contributions including issuing enforcement warrants for seizure and sale of real or personal property, enforcement warrants for redirection of debts or earnings, enforcement warrant for enforcement hearing and commencing and maintaining bankruptcy proceedings or winding up proceedings;
- e. filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions; and
- f. liaise, instruct and prepare all matters with the Body Corporate’s debt collection agents, lawyers and experts in relation to any levy recovery proceedings.

Yes	28
No	0
Abstain	0

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

## **PREAMBLE Motion 9**

### **Background**

Sanctuary Cove Community Services Limited (SCCSL) is an unlisted public company that was established in 2006 as a holding company for the exclusive provision of body corporate services, facilities management, and security services to the Sanctuary Cove Resort body corporates (established under SCRA 1985).

SCCSL is owned by the Principal Body Corporate (PBC) and the Primary Thoroughfare Body Corporate (PTBC) as equal shareholders.

However, the PBC and Residential Body Corporates (RBCs) directly and indirectly contribute 82% of the total SCCSL management fees and 94% of security costs. These body corporates contribute 47% of the PTBC funds through the PBC's proportional membership on the PTBC.

As stated in the preamble to Motions 2 at the PBC's last EGM, Clause 5.5 of the Shareholders Agreement (SHA) states that the Board of SCCSL may, by agreement of the shareholders, consist of a maximum of up to five directors.

That is, two Directors nominated by the PBC and two nominated by the PTBC. A further Independent Director may also be appointed who is paid by the company to fulfill this role. In recent years there has been one nominee director from each shareholder plus one Independent Director; a total of three directors.

The shareholders may, but are not obligated to, have an independent director. The last Independent Director retired in December 2023.

Any director can be elected as the Chair by the board and the chair has a casting vote in the event of a deadlock.

At its last EGM the PBC passed a motion to nominate EC Member, Paul Kernaghan as an additional director nominated by the PBC. Subject to the required notice period and other formalities, he will join the PBC Chair, Stuart Shakespeare, on the board.



On the day after the last PBC EGM, the PTBC at its EGM passed motions to reappoint its chairperson, Stephen Anderson, as a director of SCCSL and to appoint an additional director to represent the PTBC, Barry Teeling. Both are Mulpha representatives on the PTBC. The PBC's representative on the PTBC, the Chair Stuart Shakespeare, supported both of these motions.

Subject to the formalities there will be four directors on the SCCSL in the near future.

The PBC and the PTBC now need to decide whether they wish to have an independent director.

### **Concerns with the appointment of an Independent Director**

1. Notwithstanding the duty of the SCCSL directors to act in the best interests of the company, it seems unreasonable that an Independent Director, with no financial or social commitment to Sanctuary Cove, can potentially vote against the wishes and interests of the PBC shareholder who represent the residential lot owners.
2. If the board requires the vote of an Independent Director on many matters, it may not be functional or constructive. Board directors work best when they seek to achieve consensus. Regardless, there are dispute resolution provisions in the SHA that alleviate the need for an Independent Director to play referee.
3. If the PBC agrees to have an Independent Director, it foregoes its right to exercise the dispute resolution provisions in the SHA.
4. It is extremely challenging to recruit a quality Independent Director who has knowledge of the Sanctuary Cove Resort Act, understands the challenges of body corporate governance, and comprehends the unique aspects of Sanctuary Cove.
5. During 2023 the Independent Director presided over and voted at board meetings without the presence of one nominee director from the PBC, therefore not conforming with the requirement for a quorum stipulated in the SHA. Since May 2023, there appear to have been five board meetings conducted on this basis.
6. The last Independent Director's term expired in August 2023. Contrary to the provisions of the SHA, he continued to act as a director until his retirement in December.
7. Although it could be argued that an Independent Director can act as a conciliator where a potential impasse between the directors is foreseen, the vote of the Independent Director to resolve an impasse has been necessary only once over many years. The cost to the shareholders over this period amounts to several hundred thousand dollars.
8. The PBC and the PTBC are equal partners in SCCSL. Successful partnerships survive on mutual respect and collaborative working relationships. A partnership that requires the constant presence of an independent person to break ongoing deadlocks reduces the incentive to work together harmoniously in the long term.

**Informal Resolution**

Informal communications with the PTBC have been initiated by the PBC Chairman concerning this motion. The exchanges have been respectful and constructive. The motion does not maintain that there not be an Independent Director. It proposes that there be a trial period and an assessment before a decision is made by the shareholders. Agreement on this process is yet to be achieved but the PBC Chairman remains open to further discussion and communication with the PTBC.

**9 PBC intention to advise PTBC of guidelines regarding Independent Director (Agenda Item 5.9) CARRIED**

Proposed by: PBC Chairperson

<p><b>RESOLVED</b> that the PBC members advise the PTBC members of their intention to seek:</p> <ol style="list-style-type: none"> <li>1. A trial period of twelve months without an Independent Director on the SCCSL board, with a review before the end of the period to assess the effective operation of the board.</li> <li>2. Should it be required, the board to consider, agree, and document a meritorious process for the selection and appointment of an Independent Director.</li> <li>3. A rotating chairperson on the board that alternates between a PBC and a PTBC director on an annual basis with the first chair being the PTBC nominee, Stephen Anderson, who would commence in this position at the start date of the trial period.</li> <li>4. In the spirit of openness and transparency, the SCCSL Secretary provides to the board members a brief monthly report summarising matters dealt with between the CEO and the Chairperson in between board meetings.</li> </ol> <p><b>NOTE: Breaches identified via public access. Intention to include additional representation (PBC &amp; PTBC). Directors to remedy breaches and inequities. If blocked by PTBC he PBC directors will trigger a dispute in a shareholders meeting.</b></p>	Yes	18
	No	10
	Abstain	0

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

**10 Facilities – Landscape Upgrade – Schotia Park South (Agenda Item 5.10) CARRIED**

Proposed by: PBC Chairperson

**RESOLVED** that the PBC EGM agrees to expend \$53,184.45 Inc GST plus a 10% contingency in the amount of \$5,318.45 Inc GST for the engagement of The Plant Management Company for the costs associated with undertaking Landscaping upgrade works at P56 – Schotia Park South Garden. Funds to be expensed to Sinking Fund – 22280 – Landscape.

And further notes that due to the urgent need/requests from the Schotia Body Corporate for works to be completed and a number of companies declining to quote on the works, only two (2) quotes were obtained. The PBC approves the reduction in the required number of quotes to be obtained from three (3) to two (2).

**FURTHER THAT** the PBC EGM agrees to expend \$41,395.75 Inc GST plus a 10% contingency in the amount of \$4,139.58 Inc GST for the engagement of The Plant Management Company to supply and install Hoop Pine Mulch at the P56 – Schotia Park South Garden. Funds to be expensed to Admin – 12421 – Mulch

And further notes that due to the urgent need/requests from the Schotia Body Corporate for works to be completed and a number of companies declining to quote on the works, only two (2) quotes were obtained. The PBC approves the reduction in the required number of quotes to be obtained from three (3) to two (2).

Yes	27
No	0
Abstain	1

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

## 6. Correspondence for Information - Nil

### 7. Business Arising

#### 7.1 Preparation for meetings

- Chairperson stated in preparation for the meetings, MNs to consult with RBCs in readiness to vote.
- Discussions ensued regarding the occasions when MNs are empowered to vote following further revelation at the meeting.
- MN for Woodsia (FW) left the meeting at 12:20pm
- MN for Adelia (GS) left the meeting at 12:55pm

#### 7.2 Report & presentation Tornado

- Cassia questioned the lack of CEO attendance when vital feedback was expected regarding the tornado event 25<sup>th</sup> December 2023.
- Written feedback was provided from Facilities Manager and CEO (**Annexure A**).
- Chairperson formally invited CEO to all future meetings, Secretary to provide formal written invitation to CEO to all future meetings.

#### 7.3 Village Update for residents:

- Request for better communication from MSCD, i.e. future works, tree and land clearance near roundabout to village gates.

#### 7.4 PBC Motions – March 2024:

- Review of S56 SCRA

#### 7.5 Next meeting to be held 28 March 2024 @ 11:00.

**MEETING CLOSED @ 1:00pm**

Chairperson: .....



PLEASE NOTE: This is provisional/interim information, as the management team have not yet concluded the evaluation, as works on the rectification are still ongoing. – Response 15 February 2024.

**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 is 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 generator and key personnel are available. PBC chairperson or delegate to hold a key.
  - In the event of a site-wide power outage, there is a high probability that the village could experience a loss of power as well as the Resort and surrounds. Given that the Security Roundhouse is staffed around the clock and equipped with a backup generator for essential power purposes, it would serve as the optimal pivotal point. The Chief Warden is also located at the Security roundhouse.
  - In our future planning and if there is damage to the Security Roundhouse, the Facilities compound will be investigated as a backup.
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.



## PRINCIPAL BODY CORPORATE Sanctuary Cove

- After the storm event, the EMP is under review by Management to close any gaps that have been identified. Once complete, the EMP will be posted to the website for all to view.
  - The emergency response plan has functional roles, not personal names.
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.
    - There was and is a delegation of after-hours emergency and escalation process.
    - Executive Management are an integral part of this process, and engaged in the decision making and planning, regardless of approved annual leave.
  4. Site Manager & PBC Chairperson to coordinate regular communication of updates and support to residents.
    - The emergency management plan encompasses communication steps with all residents.
    - Part of this planning review will be for the Chief Warden keeping the PBC/PTBC chairs informed.
  5. SCBCS to prepare a checklist of safety actions and acquisitions for residences.
    - <https://www.goldcoast.qld.gov.au/Services/Emergencies-disasters-outages/Get-Ready>
  6. PBC & Security manager to ensure a neighbourhood check for isolated residents and those reliant on devices to support health issues.
    - Security has a list of those residents that are on life supporting devices in their homes.
    - There is a list of residents who are on Welfare checks. Security conducts these checks.
    - In addition, neighbourhood patrols occur hourly as standard.
  7. PBC to explore the installation of satellite connection to facilitate communication when regular options are inoperable.
    - VHF radio communication is employed by both the security and facilities teams for emergency purposes and coordination.
    - Regarding satellite communication, this responsibility would typically fall under the purview of the lot owners retail service provider/carrier.
  8. PBC to establish a volunteer group should emergency personnel be overextended.
    - Management has a roster of qualified and licensed external contractors (as in one above) in case the need arises, along with the capacity to enlist additional SCCSL/SCSCL staff as and when required.
  9. SCBCS to provide advice re insurance claims.
    - Both the PBC / PTBC and SCCSL has adequate storm and property insurance in place. The damages to Secondary Thoroughfare, Primary Thoroughfare and Company assets are being compiled to submit to our Insurance Broker.
    - Residents are responsible for insuring their own property and chattels.



10. Review SC Emergency Plan to reflect recent learnings.

- The FSM and SOM are currently implementing this, after which it will undergo review by the EPC (Emergency Planning Committee).

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.

- Once the internal review has been undertaken, finding and solutions will be published by the Management Team for both the PBC and PTBC.

Many thanks to all Members Nominees who canvassed the opinion of their constituents and provided input to this meeting. The way 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



## MOTION 3

# SEWER PUMP STATION LID/ACCESS SYSTEM UPGRADE

DISTRIBUTION: PBC	ATTACHMENTS: 4	DATE: March 2024
<p><b>MOTION</b></p> <p><b>RESOLVED</b> The PBC agrees to expend \$14,430.90 Inc GST, plus a 10% contingency in the amount of \$1,443.00 Inc GST for the engagement of Mass Products for costs associated to upgrade the pit access systems for sewer pump station 15. Funds to be expensed from the Sinking Fund – Pumps – 22312.</p> <p>And further notes that in order to maintain a consistency of access lid equipment across site, only one (1) quote was obtained. The PBC approves the reduction in the required number of quotes to be obtained from two (2) to one (1).</p> <p><b>FURTHER RESOLVED</b> The PBC agrees to expend \$6,996.00 INC GST, plus a 10% contingency in the amount of \$699.00 Inc GST for the engagement of Smartstone Group Pty Ltd for costs associated with the civil works. Funds to be expensed from the Sinking Fund – Pumps – 22312.</p> <p>And further notes that as this contractor is listed as a preferred supplier for this type of work, only one (1) quote was obtained.</p> <p><b>FURTHER RESOLVED</b> The PBC agrees to expend \$5,810.89 Inc GST plus a 10% contingency in the amount of \$581 Inc GST for the engagement of The Plant Management Company to undertake garden restoration works. Funds to be expensed from the Sinking Fund – Pumps – 22312.</p> <p>And further notes that as this contractor is listed as a preferred supplier for this type of work, only one (1) quote was obtained.</p>		

### Objective

To upgrade the lids/access systems at Pump Station, in order to provide a safe working environment for maintenance workers and to achieve compliance with all relevant WHS standards & legislation. In particular AS 3996-2006 – Access Covers and Grates, which specifies requirements for access covers and grates for use in vehicular and pedestrian areas.

### Background

Whilst completing regular site inspections and undertaking a risk assessment of the removal and replacement of sewer pumps from pits, it was noted that 60% of the current sewer pump stations at Sanctuary Cove are no longer compliant with relevant WHS standards and require replacement / upgrade in order to provide a safe working environment.

Current risks when working over non-compliant sewer pits are;

- Potential fall from heights
- Confined space works
- Electrical shock
- Biological/Atmospheric

The recommended pit access system has grates in place, which when the lids are opened prevents falls from height into the sewer pump well and eliminates the serious risk of death or injury to workers.





## SEWER PUMP STATION LID/ACCESS SYSTEM UPGRADE

Please see below photos of existing sewer pump station 15.



Please see below example of the proposed new access system upgrade.



### Scope of works

The proposed works outlined in this proposal offer optimal value for expenditure while prioritising safety in the work environment, facilitating access to floats, cables, and enabling visual inspections with lids open.

Pump Station 15 perimeter is surrounded by a block retaining wall which prevents access to the sides or back of both existing covers. This limited space around them makes it extremely unsafe and difficult for operators to open the covers with the added risk of not having any fall protection when the lids are open or in the process of being opened. A minimum 600mm walkway clearance around the covers must be allowed for.

Access System Inclusions:

- Temp Fencing of each site.
- Reinstatement of topsoil & turf where required.
- Excavation/concrete cutting/supply of new concrete slabs where required.



## SEWER PUMP STATION LID/ACCESS SYSTEM UPGRADE

- Extending pump rails & guides to enable safe removal of pumps where required.
- Supply and install new float bar and hooks.
- Removal of existing cover and frame, supply, and installation of new aluminium access covers
- Inclusive of services location prior to excavation
- Disposal off site of all excavated concrete, dirt/soil as required.

### Civil Works scope Inclusions:

- Uplift the existing retaining wall blocks and stack to one side for re-use.
- Excavate the area to the required size and remove the spoil from site.
- Supply and pour an extension to the existing concrete slab.
- Relay the existing blocks to the required new size and supply additional retaining wall blocks and caps to make up the difference.
- Construct river rock path with larger rock retaining walls to access pump station.

### Revegetation works scope inclusions:

- Supply and install 3m<sup>3</sup> x organic gardens soil.
- Supply and install 17 x 45L Lilly Pilly.
- Supply and install 2m<sup>3</sup> x 1 inch hoop pine.
- Fertilise and water after installation.

### Pricing

Mass Products have previously installed upgraded access systems at five other sewer pit locations around site with substantial cost savings compared with other quotations received at the time.

Prices are listed as ex GST

Contractor	Cost	Works
Mass Products	\$ 13,119.00	Access System supply and installation
Smartstone Group Pty Ltd	\$6,360.00	Civil Works
Plant Management	\$5,282.63	Restoration of garden
<b>TOTAL</b>	<b>\$24,761.63</b>	

### Attachments


1. Mass Products- Quotations 00425
2. Civil Works Quotation- Smartstone Group Pty Ltd – Email
3. Plant Management - Revegetation Quotation QU1757

- 1/38 Export Drive, Molendinar QLD 4214
- PO Box 876, Main Beach QLD 4217
- T: 1300 191 960
- enquiries@massproducts.com.au



Mass Products Pty Ltd ABN 60 150 638 154

<p>To: <b>Sanctuary Cove Body Corporate Pty Ltd</b></p> <p>Attention: Peter Gannon</p> <p>Phone: 07 5500 3333</p> <p>Project: PS15</p>	<ul style="list-style-type: none"> <li>■ Date 09/10/2023</li> <li>■ Quoted by Adam McKinley</li> <li>■ Terms 30 days</li> <li>■ Valid 30 days from date</li> <li>■ Delivery Installed</li> </ul>
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Ref No	Part Description	Qty	Price	GST	Total
02239	<p>Sanctuary Cover PS15 Wet Well MPLP-2 - 0968x1490 (Drop in)</p>  <p><small>Notes: Series MP-LP 2 Low Profile Drop-In Frame Aluminium Access Cover Series MP-LP 2-Lid opening</small></p> <p><small>Aluminium Access Covers to include the following: Angle frame, 316 s.stl hinges &amp; hardware, rubber seal to mitigate odour &amp; water intrusion, recessed lockbox, 90deg. lock, recessed lifting handle, under 16 kg lifting weight, anti-slip coating; colour green, Class (A) load rating. Hinged protective grating panels powder coated: colour safety yellow ,316 s.stl mounting fixings if applicable. Bituminous coating on underside of frame</small></p> <p><small>Engineer certified design drawings available on request. Lifetime guarantee on materials and/or workmanship. Please note the above measurements are NOT actual Access Cover clear opening dimensions. They are the pit or rebate dimensions in which the Access Cover will drop into. Upon ordering please nominate fixing information.</small></p>	1.0	\$6380.00	\$638.00	\$7018.00
02240	<p>Sanctuary Cover PS15 Drain MPLP-1 - 0818x1017 (Drop in)</p> <p><small>Notes: Series MP-LP 1 Low Profile Drop-In Frame Aluminium Access Cover Series MP-LP 1-Lid opening. (No Safety Grate)</small></p> <p><small>Aluminium Access Covers to include the following: Angle frame, 316 s.stl hinges &amp; hardware, rubber seal to mitigate odour &amp; water intrusion, recessed lockbox, 90deg. lock, recessed lifting handle, under 16kg lifting weight, anti-slip coating; colour green, Class (A) load rating. 316 s.stl mounting fixings if applicable. Bituminous coating on underside of frame.</small></p> <p><small>Engineer certified design drawings available on request. Lifetime guarantee on materials and/or workmanship. Please note the above measurements are NOT actual Access Cover clear opening dimensions. They are the pit or rebate dimensions in which the Access Cover will drop into. Upon ordering please nominate fixing information.</small></p>	1.0	\$3779.00	\$377.90	\$4156.90
02241	<p>Sanctuary Cove - PS15 Access Cover Installation</p> <p><small>Notes: 2 Technicians and Crane Truck Removal and Disposal of 2x Access Covers Installation of 2x new Access Covers</small></p>	1.0	\$2960.00	\$296.00	\$3256.00

■ Notes:

TOTAL EX GST: \$13119.00  
GST: \$1311.90  
**TOTAL PRICE: \$14430.90**

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All goods remain the property of Mass Products Pty Ltd until the account is fully paid.

Terms:

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All orders are subject to our Terms and Conditions. By proceeding with an order, you are acknowledging that you have read and agree to our Terms and Conditions, which are available upon request.



## QUOTATION

### Customer

Sanctuary Cove Primary G.T.P.201  
C/- Sanctuary Cove Primary B/C PO Box 15  
Sanctuary Cove QLD 4212  
Peter Gannon  
peter.gannon@scove.com.au

**Quote No:** QU1757  
**Quote Date:** 13 February 2024  
**Quote Valid:** 13 March 2024  
**Site:** Riverside Drive  
Sanctuary Cove QLD 4212  
**Pages:** Page 1 of 4

### Quote | Schotia Island Pump Station Landscape Works

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Dear Peter,

Thank you for the opportunity to supply the following quotation for Schotia Island Pump Station Landscape Works located at Riverside Drive as requested.

The work would be carried out by our professional uniformed staff. If you would like works to proceed or have any queries, please contact me when convenient as per the details below.

Regards,

**Dale Godfrey**  
**Area Supervisor**  
**The Plant Management Company**  
Tel: 0732684101  
Mob: +61421384049  
Email: dgodfrey@pmhort.com.au



## QUOTATION

### Customer

Sanctuary Cove Primary G.T.P.201  
C/- Sanctuary Cove Primary B/C PO Box 15  
Sanctuary Cove QLD 4212  
Peter Gannon  
peter.gannon@scove.com.au

**Quote No:** QU1757  
**Quote Date:** 13 February 2024  
**Quote Valid:** 13 March 2024  
**Site:** Riverside Drive  
Sanctuary Cove QLD 4212  
**Pages:** Page 2 of 4

## Quote | Schotia Island Pump Station Landscape Works

### Scope of Works



#### Schotia Island Pump Station Landscape Works

- Supply and install 3m<sup>3</sup> x organic gardens soil.
- Supply and install 17 x 45L Lilly Pilly.
- Supply and install 2m<sup>3</sup> x 1 inch hoop pine.
- Fertilise and water after installation.

### Investment

<b>Subtotal:</b>	\$5,282.63
<b>GST:</b>	\$528.26
<b>Total:</b>	\$5,810.89

### Materials

Quantity	Unit	Description	Image
2	m <sup>3</sup>	<b>Organic Garden Soil</b> A blend of soil, coarse sand, composted sawdust, composted pine bark and composted organics. Suits general landscaping and garden bed rejuvenation or can be used for going under turf.	
2	20Kg	<b>Rooster Buster - Fertiliser</b> Organic fertiliser pellets	


## QUOTATION

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### Quote | Schotia Island Pump Station Landscape Works

17	45L	<p><b>Syzygium australe Resilience</b> Resilience Lilly Pilly Syzygium Resilience is a resilient and versatile evergreen shrub. With glossy green leaves, it forms a dense canopy ideal for privacy screens or hedging. It tolerates both drought and wet soil, making it adaptable to various conditions. This fast-growing plant produces white fluffy flowers followed by edible berries, attracting birds. Syzygium Resilience is low-maintenance, pest-resistant, and reaches a height of 4m. It adds beauty and functionality to garden spaces, making it a popular choice for landscapers. Popular also for topiary. Grows approx to 4m H x 2-3m W. MATURE HEIGHT: MATURE WIDTH: 2-4m 1-2m POSITION: SOIL TYPE: Full Sun, Semi Shade Loam, Sandy, Well Drained</p>	
1	Unit	<p><b>Delivery Fees</b> Delivery Fees</p>	



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**Pages:** Page 4 of 4

### Quote | Schotia Island Pump Station Landscape Works

---

### Agreement and Contract Notes

#### Notes:

- All works to be performed as per our standard terms and conditions, a copy of which is available upon request.

----- END -----



**From:** [Craig McDonald](#)  
**To:** [Peter Gannon](#)  
**Subject:** FW: Revised price for Re-alignment of wall around sewer pump station 15  
**Date:** Monday, 22 January 2024 10:52:38 AM  
**Attachments:** [image803890.jpg](#)

---

Hi Peter,

I have worked out a revised price for above job as discussed.

Given that the retaining wall blocks that are there are no longer available we will have to replace certain sections of the walls with an alternative product.

The scope of works includes the following;

- Uplift the existing retaining wall blocks and stack to one side for re-use.
- Dig out the area to the required size and remove the spoil from site.
- Supply and pour an extension to the existing concrete slab.
- Relay the existing blocks to the required new size and supply additional retaining wall blocks and caps to make up the difference.
- Construct a pathway to the sewer pump station in road base.
- **Build a ramp into the area using road base and small rocks similar to the job just inside the village gate**

Our price to carry out the above scope of works is \$6,360.00 excluding GST.

NOTE

- There will be a need to trim or remove some of the surrounding shrubs. This has not been included in this price.

Regards,

**Craig McDonald | Director**  
**Office:** 07 5573 1294 | **Mobile:** **Email:** **Smart**  
**Stone Group Pty Ltd**  
[www.smartstonelandscape.com.au](http://www.smartstonelandscape.com.au)



**Further Shuttle Bus information from Mulpha during Sanctuary Cove Boat Show:**

- **Number of Buses:**  
*It is estimated 2x small shuttle buses (20 seats) and 1x additional small shuttle bus during morning peak times (8am to 10am)*
- **Exact Route within residential area:**  
*As per the attached map*
- **Is it only for the 4 days of the boat show and not the required set up time either side:**  
*Only during the four days of the show*
- **Any plans for extra security in this area for the residents:**  
*We will have security at the shuttle pick up/drop off point, monitoring who gets on and off the bus. Bus drivers will also be fully briefed that only the accredited staff groups are eligible to board the bus.*
- **No staff will be allowed off the buses within the residential area.**  
*Correct*

**\*Please NOTE if you have any further questions or concerns, please direct to your Member Nominees.**

## P8 Staff Car Park—Proposed Shuttle Bus Route

Proposed shuttle bus route (7am until 6pm) - Thursday 23 to Sunday 26 May.

Estimated 2x small (20 seat) shuttle buses.

Additional 1x small (20 seat) shuttle bus during peak times (8am until 10am).

Buses will **not stop** behind the gates.

Car park and shuttles will service accredited village tenant and hotel staff **only**, not exhibitors or general public.



**From:** [PBC](#)  
**Cc:** [Dale StGeorge](#); [Jodie Syrett](#)  
**Subject:** Shuttle Buses  
**Date:** Tuesday, 20 February 2024 10:32:51 AM  
**Attachments:** [image001.png](#)

---

Good Morning Members,

Please see further information below from Mulpha regarding the proposed Shuttle buses transiting through Sanctuary Cove during Boat Show.

I will send a portal message out as well today.

**Hi Jodie,**

***It will be a fairly continuous transfer back and forth to get the staff into the Village and back to their vehicles. I would imagine peak times would be 8am to 10am and 4pm to 6pm.***

***We will only use small/medium size buses rather than large coaches, so they produce minimal noise and disruption.***

***I hope this helps. Let me know if you have any other questions.***

**Corey**  
**Senior Events Manager**

Kind Regards,

**JODIE SYRETT**

Manager Body Corporate

**Direct** 07 5500 3326 | [jodie.syrett@scove.com.au](mailto:jodie.syrett@scove.com.au)

**Main** 07 5500 3333 | [enquiries@scove.com.au](mailto:enquiries@scove.com.au)

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

**Web** [stratamax.com.au/Portal/login](http://stratamax.com.au/Portal/login)



**SANCTUARY COVE COMMUNITY SERVICES LIMITED**

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**CORRESPONDENCE  
FOR INFORMATION**

**Item 1**



The Secretary  
Principal Body Corporate  
Primary Thoroughfare Body Corporate  
PO Box 15  
Sanctuary Cove QLD 4212

Dear Secretary

**Re: Request for motion at next PBC & PTBC meetings**

As you are aware, the PTBC has proposed an amendment to Section 56 of SCRA in relation to access behind the gates by non-members of the PBC in June 2023. Mulpha believes this is an important issue and needs to be put before the community to be resolved. As this change to Section 56 affects lot holder rights and entitlements it is Mulpha's view that this will require a special resolution of the RBC's, PBC and the PTBC.

The proposed motion is as follows:

The PBC/PTBC supports the wording of the proposed amended Section 56 of the Sanctuary Cove Resort Act and authorises the PBC/PTBC to sign the draft deed as per attachment 1. The proposed wording of the amended Section 56 is as follows:

*56 Occupier's right to use thoroughfares*

*(1) Subject to the application of any primary thoroughfare by-law or any secondary thoroughfare by-law, only persons who: (*

*(a) are members of the Principal Body Corporate; or*

*(b) have a lawful right to:*

*(i) be on land contained in the General Residential Zone; or*

*(ii) be on land contained in the Golf Course Zone,*

*have a right of way over the primary thoroughfare and the secondary thoroughfare.*

*(2) A primary thoroughfare by-law or a secondary thoroughfare by-law that, but for this subsection, would have the effect of unreasonably restricting the persons permitted in subsection (1) from having access to or access from the land referred to in subsection (1)(b) will have no force or effect unless the person for the time being entitled to occupy that land consents in writing to that restriction.*

*(3) For the purposes of this section, where land is the subject of a registered mortgage, the mortgagee shall be deemed to be a person who lawfully occupies that land.*

Can you please advise the timing and the process for getting this motion passed by the PBC/PTBC & RBC's?

Yours faithfully

A handwritten signature in blue ink, appearing to read "Barry Teeling".

Barry Teeling  
Mulpha Sanctuary Cove (Developments) Pty Ltd

**MULPHA SANCTUARY COVE [DEVELOPMENTS] PTY LIMITED**

Jabiru house, Masthead Way  
Sanctuary Cove QLD 4212

Mailing Address  
PO Box 199  
Sanctuary Cove QLD 4212

# MBA.

LAWYERS

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## **Deed of Agreement**

between

**Sanctuary Cove Primary Thoroughfare Body Corporate**

and

**Sanctuary Cove Principal Body Corporate**

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## Contents

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# MBA.

## LAWYERS

Date .....

### Parties

---

**Sanctuary Cove Primary Thoroughfare Body Corporate (PTBC)**

Address: c/- Sanctuary Cove Community Services Ltd, PO Box 15, Sanctuary Cove QLD 4212

**Sanctuary Cove Principal Body Corporate (PBC)**

Address: c/- Sanctuary Cove Community Services Ltd, PO Box 15, Sanctuary Cove QLD 4212

---

### Recitals

- A The parties are governed by the *Sanctuary Cove Resort Act 1985* (**SCRA**);
- B Section 56 of the SCRA regulates the right of use of thoroughfares in Sanctuary Cove;
- C The parties have agreed to provide mutual support to a proposal to the Minister for the amendment of section 56 of the SCRA in accordance with the terms of this deed;
- D This deed is intended to be legally binding and the parties agree to give effect to the arrangements contemplated by it.

### Operative provisions

#### 1. Definitions and interpretation

---

##### Definitions

- 1.1 The following definitions apply in this deed unless the context requires otherwise:

**Amended Section 56** means the proposed amended wording to Section 56 as contained in Schedule 1.

**Approving Resolutions** means all approvals for the Proposal to be submitted to the Minister that are required to be obtained by each party.

**Business Day** means a day (other than a Saturday, Sunday or public holiday) when banks in Brisbane, Queensland are open for business.

**Conditions Precedent** means each party respectively passing the Approving Resolutions required for the party to provide its support to the Proposal and be bound by this deed.

**Effective Date** means the date that is 30 days from which the Conditions Precedent are satisfied or waived in accordance with this deed.

**Governmental Agency** means any government or governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity whether foreign, federal, state, territorial or local.

**Meeting** means an extraordinary general meeting of each the members of each respective party to this deed, convened in accordance with the SCRA and the *Building Units and Group Titles Act 1980* (Qld).

**Minister** means the Queensland State Treasurer and Minister for Infrastructure and Planning, who at the date of this deed is the Honourable Cameron Dick MP.

**Proposal** means the written submission by the parties to the Minister proposing the adoption of Amended Section 56 into law.

**Sanctuary Cove** means the luxury waterfront suburb located at Masthead Way, Sanctuary Cove, QLD 4212.

**Section 56** means section 56 of the SCRA as in effect as at the date of this deed.

**Sunset Date** means the date 60 days from the date of this deed.

## Interpretation

1.2 The following rules of interpretation apply in this deed unless the context requires otherwise:

- (a) headings in this deed are for convenience only and do not affect its interpretation or construction;
- (b) no rule of construction applies to the disadvantage of a party because this deed is prepared by (or on behalf of) that party;
- (c) where any word or phrase is defined, any other part of speech or other grammatical form of that word or phrase has a cognate meaning;
- (d) a reference to a document (including this deed) is a reference to that document (including any schedules and annexures) as amended, consolidated, supplemented, novated or replaced;
- (e) references to recitals, clauses, subclauses, paragraphs, annexures or schedules are references to recitals, clauses, subclauses, paragraphs, annexures and schedules of or to this deed;
- (f) in each schedule to this deed, a reference to a paragraph is a reference to a paragraph in that schedule;
- (g) a reference to any statute, proclamation, rule, code, regulation or ordinance includes any amendment, consolidation, modification, re-enactment or reprint of it or any statute, proclamation, rule, code, regulation or ordinance replacing it;
- (h) an expression importing a natural person includes any individual, corporation or other body corporate, partnership, trust or association and any Governmental Agency and that person's personal representatives, successors, permitted assigns, substitutes, executors and administrators;
- (i) a reference to writing includes any communication sent by post, facsimile or email;

- (j) a reference to time refers to time in Brisbane, Queensland and time is of the essence;
- (k) all monetary amounts are in Australian currency;
- (l) a reference to a liability includes a present, prospective, future or contingent liability;
- (m) the word "**month**" means calendar month and the word "**year**" means 12 calendar months;
- (n) the meaning of general words is not limited by specific examples introduced by "**include**", "**includes**", "**including**", "**for example**", "**in particular**", "**such as**" or similar expressions;
- (o) a reference to a "**party**" is a reference to a party to this deed (including any person that executes a deed of adherence to this deed), and a reference to a "**third party**" is a reference to a person that is not a party to this deed;
- (p) a reference to any thing is a reference to the whole and each part of it;
- (q) a reference to a group of persons is a reference to all of them collectively and to each of them individually;
- (r) words in the singular include the plural and vice versa; and
- (s) a reference to one gender includes a reference to the other genders.

## **2. Conditions precedent**

---

2.1 Notwithstanding any other provisions of this deed, the parties acknowledge and agree that the obligations of the parties under this deed will not become binding, unless and until the Condition Precedent is:

- (a) satisfied; or
- (b) waived in accordance with this deed.

### **Convene meeting**

2.2 The parties must each respectively convene a Meeting as soon as practicable after the date of this deed to consider and thought fit pass the Approving Resolutions.

### **Satisfaction of conditions**

2.3 The parties must use all reasonable endeavours, so far as lies within their respective powers, to procure that the Condition Precedent is satisfied as soon as practicable and in any event by the Sunset Date.

### **Waiver**

2.4 The Condition Precedent may only be waived by written agreement between all parties.

### **Notice**

2.5 Each party must promptly notify the other parties in writing as soon as it becomes aware the Condition Precedent is satisfied or becomes, or is likely to become, incapable of being satisfied.

### 3. Agreement to support Proposal

---

- 3.1 With effect on and from the Effective Date, the parties agree to provide mutual support and do all things reasonably practicable and within their power to cause the submission of the Proposal.
- 3.2 The parties acknowledge and agree that:
- (a) the agreement to provide mutual support to the Proposal only extends to the parties each respectively supporting the amendment of Section 56 to the Amended Section 56 and does result in the either party providing support to any further amendment(s) of the SCRA unless otherwise agreed in writing between them;
  - (b) the effect of Amended Section 56 will:
    - (i) provide the parties with greater control over the rights of access and use of thoroughfares within Sanctuary Cove; and
    - (ii) fundamentally alter the original purpose of access and usage rights of the thoroughfares in Sanctuary Cove;
  - (c) they have acted reasonably in considering and providing their support of the Proposal, including but not limited to obtaining specialist town planning advice, independent legal advice and obtaining the Approving Resolutions;
  - (d) by providing their support to the Proposal it does not guarantee the Proposal will be accepted or that Amended Section 56 will come into effect; and
  - (e) nothing in this deed:
    - (i) prejudices or adversely affects any right, power, authority, discretion or remedy otherwise available to either party before the Effective Time; or
    - (ii) discharges, releases or otherwise affects any liability or obligation of a party before the Effective Time.

### 4. Mutual warranties

---

As at the time of execution of this deed and as at the Effective Time, each party represents and warrants to each other party that each of the following statements is true, accurate and not misleading by reference to the facts, matters and circumstances existing at the relevant time:

- (a) **(powers)** it has the power and authority to execute, deliver and perform its obligations under this deed and the transactions contemplated by this deed, and no limit on its powers will be exceeded as a result of the entry into and/or performance of this deed;
- (b) **(authorisations)** it has taken all necessary actions, and obtained all required consents, to enable it to execute, deliver and perform its obligations under this deed, and any such authorisations are in full force and effect;
- (c) **(non-contravention)** its execution and performance this deed does not, and will not, contravene or conflict with to the best of its knowledge after due inquiry:
  - (i) any agreement binding on it or any of its assets, or constitute a default or termination event (howsoever described) under any such agreement; or

- (ii) any law or regulation, or judicial or official order, that is applicable to it;
- (d) **(binding obligations)** its obligations under this deed are legal, valid, binding and enforceable;
- (e) **(no duress)** its entry into this deed is not the result of any fraud, duress, coercion, pressure or undue influence exercised by or on behalf of any person, and it is entering into this deed freely and voluntarily;
- (f) **(legal advice)** it has sought and obtained independent legal advice in respect of this deed from legal advisers of its own selection, and its respective legal rights and obligations under this deed, and the legal and practical effects of this deed, have been fully explained to it by its legal advisers; and

## **5. Default and Termination**

---

### **Event of Termination**

5.1 It is an event of termination if:

- (a) a party does not pass its respective Approving Resolutions by the Sunset Date; and/or
- (b) a party does not comply with its obligations under this deed, rendering that party in default, and the party does not remedy that default within 14 days of receiving written notice from the non-defaulting party requiring it to remedy the default.

### **Termination of deed**

5.2 This deed will automatically terminate if an event of termination referred to in clause 5.1 occurs.

### **Effect of termination**

5.3 If this deed is terminated under clause 5.2 then:

- (a) The provisions of this deed will cease to have effect; and
- (b) In addition to any other rights, powers or remedies provided by law, each party retains the rights it has against any other party in respect of any past breach or any claim that has arisen before termination.

## **6. Notices**

---

6.1 A notice given to a party under this deed must be:

- (a) in writing in English;
- (b) sent to the address, fax number or email address of the relevant party as set out in the list of parties that starts on page 3 of this deed (or such other address, fax number or email address as the relevant party may notify to the other parties from time to time); and
- (c) delivered/sent either:
  - (i) personally;
  - (ii) by commercial courier;
  - (iii) by pre-paid post;

- (iv) if the notice is to be served by post outside the country from which it is sent, by airmail;
- (v) by fax; or
- (vi) by e-mail.

6.2 A notice is deemed to have been received:

- (a) if delivered personally, at the time of delivery;
- (b) if delivered by commercial courier, at the time of signature of the courier's receipt;
- (c) if sent by pre-paid post, 48 hours from the date of posting;
- (d) if sent by airmail, five days after the date of posting;
- (e) if sent by fax, at the time shown in the transmission report generated by the machine from which the fax was sent; or
- (f) if sent by e-mail, 4 hours after the sent time (as recorded on the sender's e-mail server), unless the sender receives a notice from the party's email server or internet service provider that the message has not been delivered to the,

except that, if such deemed receipt is not within business hours (meaning 9:00 am to 5:30 pm on a Business Day), the notice will be deemed to have been received at the next commencement of business hours in the place of deemed receipt.

6.3 To prove service, it is sufficient to prove that:

- (a) in the case of post – that the envelope containing the notice was properly addressed and posted;
- (b) in the case of fax – the notice was transmitted to the fax number of the party; and
- (c) in the case of email – the email was transmitted to the party's email server or internet service provider.

## **7. General**

---

### **Further assurances**

7.1 Each party must (at its own expense, unless otherwise provided in this deed) promptly execute and deliver all such documents, and do all such things, as any other party may from time to time reasonably require for the purpose of giving full effect to the provisions of this deed.

### **Third parties**

7.2 This deed is made for the benefit of the parties to it and their successors and permitted assigns and is not intended to benefit, or be enforceable by, anyone else.

### **Costs**

7.3 All costs and expenses in connection with the negotiation, preparation and execution of this deed, and any other agreements or documents entered into or signed pursuant to this deed, will be borne by the party that incurred the costs.

### **Entire agreement**

- 7.4 This deed contains the entire understanding between the parties in relation to its subject matter and supersedes any previous arrangement, understanding or agreement relating to its subject matter. There are no express or implied conditions, warranties, promises, representations or obligations, written or oral, in relation to this deed other than those expressly stated in it or necessarily implied by statute.

### **Severability**

- 7.5 If a provision of this deed is invalid or unenforceable in a jurisdiction:
- (a) it is to be read down or severed in that jurisdiction to the extent of the invalidity or unenforceability; and
  - (b) that fact does not affect the validity or enforceability of that provision in another jurisdiction, or the remaining provisions.

### **No waiver**

- 7.6 No failure, delay, relaxation or indulgence by a party in exercising any power or right conferred upon it under this deed will operate as a waiver of that power or right. No single or partial exercise of any power or right precludes any other or future exercise of it, or the exercise of any other power or right under this deed.

### **Amendment**

- 7.7 This deed may not be varied except by written instrument executed by all of the parties.

### **Assignment**

- 7.8 A party must not assign or otherwise transfer, create any charge, trust or other interest in, or otherwise deal in any other way with, any of its rights under this deed without the prior written consent of the other parties.

### **Counterparts**

- 7.9 This deed may be executed in any number of counterparts, each of which is an original and which together will have the same effect as if each party had signed the same document.

### **Electronic exchange**

- 7.10 Delivery of an executed counterpart of this deed by facsimile, or by email in PDF or other image format, will be equally effective as delivery of an original signed hard copy of that counterpart.
- 7.11 If a party delivers an executed counterpart of this deed under clause 7.10:
- (a) it must also deliver an original signed hard copy of that counterpart, but failure to do so will not affect the validity, enforceability or binding effect of this deed; and
  - (b) in any legal proceedings relating to this deed, each party waives the right to raise any defence based upon any such failure.

### **Instrument a deed**

- 7.12 Notwithstanding that this document is a deed and that each obligation hereunder is a covenant, the obligations of a party under this document do not bind that party unless and until this document has been executed and delivered by each other party.

### **Governing law and jurisdiction**

- 7.13 This deed and any disputes or claims arising out of or in connection with its subject matter or formation (including non-contractual disputes or claims) are governed by, and shall be construed in accordance with, the laws of Queensland, Australia.
- 7.14 The parties irrevocably agree that the courts of Queensland, Australia have exclusive jurisdiction to settle any dispute or claim that arises out of, or in connection with, this deed or its subject matter or formation (including non-contractual disputes or claims).

\* \* \* \*



**56 Occupier's right to use thoroughfares**

- (1) *Subject to the application of any primary thoroughfare by-law or any secondary thoroughfare by-law, only persons who:*
- (a) *are members of the Principal Body Corporate; or*
  - (b) *have a lawful right to:*
    - (i) *be on land contained in the General Residential Zone; or*
    - (ii) *be on land contained in the Golf Course Zone,*
- have a right of way over the primary thoroughfare and the secondary thoroughfare.*
- (2) *A primary thoroughfare by-law or a secondary thoroughfare by-law that, but for this subsection, would have the effect of unreasonably restricting the persons permitted in subsection (1) from having access to or access from the land referred to in subsection (1)(b) will have no force or effect unless the person for the time being entitled to occupy that land consents in writing to that restriction.*
- (3) *For the purposes of this section, where land is the subject of a registered mortgage, the mortgagee shall be deemed to be a person who lawfully occupies that land.*

**Execution**

---

**EXECUTED** as a deed.

**Signed under the common seal of the Sanctuary Cove Primary Thoroughfare Body Corporate** affixed by two (2) duly appointed members of the executive committee:

Full Name & Capacity	Seal	Signature

**Signed under the common seal of the Sanctuary Cove Principal Body Corporate** affixed by two (2) duly appointed members of the executive committee:

Full Name & Capacity	Seal	Signature

Partner: Clayton Glenister  
Contact: Tessa Calver-James  
Our Ref: CG:TCJ:2307135  
Your Ref:

29 June 2023

The Executive Committee  
Sanctuary Cove Principal Body Corporate  
c/- Sanctuary Cove Community Services Ltd  
PO Box 15  
Sanctuary Cove 4212

**By Email Only:** [dale.stgeorge@scove.com.au](mailto:dale.stgeorge@scove.com.au)

Dear Executive Committee

## Amending Section 56 Sanctuary Cove Resort Act 1985

We act for the Sanctuary Cove Primary Thoroughfare Body Corporate (**PTBC**). We are instructed to write to you on their behalf.

### Section 56 Sanctuary Cove Resort Act 1985 (Qld) (SCRA)

1. Our client has recently undertaken a review of section 56 of the SCRA (**Section 56**), which for your ease in reference reads as follows:

#### ***"56 Occupier's right to use thoroughfares***

- (1) *Subject to the application of any primary thoroughfare by-law or any secondary thoroughfare by-law, every person who lawfully occupies any land within the site or the adjacent site has a right of way over the primary thoroughfare and the secondary thoroughfare.*
- (2) *A primary thoroughfare by-law or a secondary thoroughfare by-law that, but for this subsection, would have the effect of unreasonably restricting access to or access from any land within the site or the adjacent site shall in respect of that land have no force or effect unless the person for the time being entitled to occupy that land consents in writing to that restriction.*
- (3) *For the purposes of this section, where land is the subject of a registered mortgage, the mortgagee shall be deemed to be a person who lawfully occupies that land."*

2. Section 56 regulates:

- (a) who is lawfully entitled to use the primary thoroughfare and secondary thoroughfare; and
- (b) to what extent a primary thoroughfare by-law (**PTBL**) or a secondary thoroughfare by-law (**STBL**) can restrict the use of the primary thoroughfare and secondary thoroughfare.

3. In short, a person (or that person's mortgagee (as applicable)) who lawfully occupies land within, or adjacent to, primary thoroughfare or secondary thoroughfare, has a lawful right of way over that relevant thoroughfare and a PTBL or STBL cannot restrict that right of way for that person.
4. The intent of Section 56 is to enable all occupiers in Sanctuary Cove the right of way over primary or secondary thoroughfare for the purpose of lawfully accessing land within Sanctuary Cove. This assists with the ease of congestion in foot/buggy/vehicle traffic and provides a practical logistical solution for ensuring accessibility to land within Sanctuary Cove.

### **Amending Section 56**

5. We are instructed that our client is supportive of amendments being made to Section 56 to enable both our client and the Sanctuary Cove Principal Body Corporate (**PBC**), greater control over regulating access and usage rights of the thoroughfare within Sanctuary Cove.
6. We are instructed our client considers that amendments to Section 56 could resolve current concerns the PBC hold in relation to developments occurring at Sanctuary Cove and the impact such developments may have on the management of the thoroughfares moving forward.
7. We are instructed our client considers it is in the best interests of both the PBC and the PTBC for Section 56 to be amended.
8. To amend Section 56, a proposal must be made to the relevant State Minister proposing the amended Section 56 wording and putting forward the need for such change with adequate explanation.
9. Our client considers the best prospects of success for such proposal would be if both the PBC and PTBC endorsed their support on same.

### **Deed of Agreement**

10. Our client proposes the following:
  - (a) The PTBC and PBC enter the **enclosed** Deed of Agreement;
  - (b) The parties work together to obtain any necessary expert opinion or advice in relation to the town planning effects an amended Section 56 would have;
  - (c) The PTBC and PBC respectively call and hold meetings to approve the endorsement of support to a proposal to amend Section 56 (**Approving Resolutions**); and
  - (d) Subject to the Approving Resolutions being passed, the PBC and PTBC make and endorse a formal proposal to the relevant State Minister for the amendment of Section 56.
11. For the avoidance of doubt, the entering of the Deed of Agreement will not commit either party to supporting further amendment to the SCRA beyond amending Section 56.

### **Moving Forward**

12. Our client requests a response from the PBC on the propositions put forward in this letter within 28 days from the date of issue.

13. Our client is inviting of a conference between the respective executive committees to discuss the contents of this letter should the PBC consider it necessary.
14. Our client reserves its right to move forward with progressing the proposal to amend Section 56 in all respects.

We await your earliest reply.

Yours faithfully

Clayton Glenister  
Managing Partner  
clayton.glenister@mba-lawyers.com.au

Tessa Calver-James  
Senior Associate  
tessa.calver-james@mba-lawyers.com.au

## Item 2

**From:** Cheryl McBride  
**Sent:** Tuesday, February 27, 2024 7:19 PM  
**To:** Housing <[housing@ministerial.qld.gov.au](mailto:housing@ministerial.qld.gov.au)>  
**Subject:** Meeting Hon. Meaghan Scanlon MP

The Hon. Meaghan Scanlon MP  
Minister for Housing, Local Govt & Planning  
Minister for Public Works

Dear Minister,

In July 2022, Mulpha Sanctuary Cove Developments (MSCD Ltd) lodged an application with the QLD Govt to change land in Sanctuary Cove from zoned Golf Course to land zoned Recreation Club. Shortly thereafter, more than 350 Sanctuary Cove residents lodged objections to the proposed change with Deputy Premier Miles,.

As the designation of Recreational Club zone could result in only residential units being built, and where the sole development control is a 4 storey height limit, the residents were, and remain, concerned about the number of dwellings proposed, their appearance, impact on older infrastructure, lack of open space, landscaping etc.

To date, no communication from the developer regarding the matters listed above (and more) has been distributed to the residents of Sanctuary Cove.

Two representatives from the Sanctuary Cove Principal Body Corporate (SC PBC), the voice and representative of the residents, seek an opportunity to discuss our concern at your earliest possible convenience.

Yours sincerely,

**Cheryl McBride OAM**

M.ED., B.Leg.S, B.Ed., Gr.Dip.-Rem.Ed, Dip. Teach.  
SC PBC Executive Committee Member



PRINCIPAL BODY CORPORATE  
Sanctuary Cove

28 February 2024

Mr Barry Teeling  
Mulpha Sanctuary Cove (Developments) Pty Ltd  
Jabiru House, Masthead Way  
Sanctury Cove, Qld 4212

Delivered by email to cc to

Subject: SCRA s56 - Your letter to the PBC

Dear Mr Teeling

Receipt of your undated letter to the Secretary late last week is acknowledged.

You may recall in discussions with PBC Chairperson, Stuart Shakespeare, that s56 is one of several related matters discussed last year. It was understood that the goal was to reach an overarching agreement and that any aspects requiring amendments to the SCRA would be combined in one application.

I refer to the 29/06/2023 MBA Lawyers letter written on behalf of the PTBC and funded by MSCD:

*Para 10 (b) **The parties work together** to obtain any necessary expert opinion or advice in relation to the town planning effects an amended Section 56 would have.*

It would appear that Mulpha has little interest in furthering these discussions, at this stage.

As previously emphasised, the proposed amendment of s56 is substantially a PBC matter.

Such being the case, the PBC EC will seek approval from the PBC to obtain independent legal advice on:

1. the effect the proposed changes to s56 may have on the rights and entitlements of the Residential Zone owners, as precipitated by the proposed and uncontrolled development of dwellings outside of the Residential Zones.
2. the effect the proposed changes to s56 may have on the rights and entitlements of the Residential Zone owners by allowing unrestricted access to the secondary thoroughfare by the Golf Club.



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PRINCIPAL BODY CORPORATE  
Sanctuary Cove

3. whether the rights and entitlements of the Residential Zone owners, have been affected by the allocation of one PTBC lot entitlement for the Harbour One development of 48 dwellings and confirmation that the correct procedure was followed in making this allocation.

The EC will endeavour to put a motion up at the March EGM seeking the above approval. Following the outcome of the motion, the PBC can indicate the timeframe it requires to reach an agreement on its position.

Please be mindful that normally amendments to the SCRA or by-laws requiring RBC approvals are reserved for the scheduled RBC AGMs in June and February. Convening a general meeting of all the RBC's is a substantial undertaking that's not usually implemented for one motion.

Yours Faithfully

*Brian Earp*

Brian Earp  
Secretary  
Principal Body Corporate



# ACACIA BODY CORPORATE GTP 107053

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Acacia GTP 107053

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Acacia GTP 107053 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR MICHAEL LONGES

Dated: 12 March 2024

THE COMMON SEAL OF  
ACACIA GTP 107053  
was affixed in the presence of

  
Mrs Leonie Millar (Secretary)



# ADELIA BODY CORPORATE GTP 107360

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Adelia GTP 107360

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Adelia GTP 107360 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR GARY SIMMONS

Dated: 5 March 2024

THE COMMON SEAL OF  
ADELIA GTP 107360  
was affixed in the presence of



  
Mr Wayne Glasirin (Secretary)

# ALPHITONIA BODY CORPORATE GTP 107509

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Alphitonia GTP 107509

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Alphitonia GTP 107509 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR STEPHEN ANDERSON

Dated: 4 March 2024

THE COMMON SEAL OF  
ALPHITONIA GTP 107509  
was affixed in the presence of



  
Julie Lawson (Body Corporate Manager)

# ALPINIA BODY CORPORATE GTP 107209

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Alpinia GTP 107209

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Alpinia GTP 107209 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

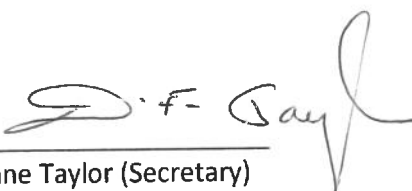
The full name of the individual authorised as nominee of the body corporate is:

MS DIANNE TAYLOR

Dated: 4 March 2024

THE COMMON SEAL OF  
ALPINIA GTP 107209  
was affixed in the presence of



  
Ms Dianne Taylor (Secretary)

# ALYXIA BODY CORPORATE GTP 107456

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Alyxia GTP 107456

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Alyxia GTP 107456 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR STEPHEN ANDERSON

Dated: 4 March 2024

THE COMMON SEAL OF  
ALYXIA GTP 107456  
was affixed in the presence of



Mrs Julie Lawson (Body Corporate Manager)

# ARAUCARIA BODY CORPORATE GTP 1790

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Araucaria GTP 1790

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Araucaria GTP 1790 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MRS CAROLINE TOLMIE

Dated: 5 March 2024

THE COMMON SEAL OF  
ARAUCARIA GTP 1790  
was affixed in the presence of

Ms Maxine Monroe (Secretary)



# ARDISIA BODY CORPORATE GTP 107449

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Ardisia GTP 107449

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Ardisia GTP 107449 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

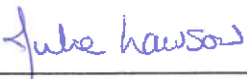
The full name of the individual authorised as nominee of the body corporate is:

MR STEPHEN ANDERSON

Dated: 4 March 2024

THE COMMON SEAL OF  
ARDISIA GTP 107449  
was affixed in the presence of



  
Mrs Julie Lawson (Body Corporate Manager)



# BANKSIA LAKES BODY CORPORATE GTP 107278

*A part of the Sanctuary Cove Resort Community*



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

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

FROM:           Banksia Lakes GTP 107278

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

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

MR ANDREW BROWN

Dated: 11 March 2024

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

Mr Gregory Phillips (Secretary)





# BAUHINIA BODY CORPORATE GTP 1701

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Bauhinia GTP 1701

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Bauhinia GTP 1701 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR RICHARD SHERMAN

Dated: 5 March 2024

THE COMMON SEAL OF  
BAUHINIA GTP 1701  
was affixed in the presence of



Mrs Margaret Sherman (Secretary)

# CALADENIA BODY CORPORATE GTP 107399

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Caladenia GTP 107399


Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Caladenia GTP 107399 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR ANTHONY MCGINTY

Dated: 4 March 2024

THE COMMON SEAL OF  
CALADENIA GTP 107399  
was affixed in the presence of

  
Mr Alan Dreves (Secretary)



# CASSIA BODY CORPORATE GTP 1702

*A part of the Sanctuary Cove Resort Community*



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

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

**FROM:** Cassia GTP 1702

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Cassia GTP 1702 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

**MR PETER COHEN**

Dated: 12 March 2024

THE COMMON SEAL OF  
CASSIA GTP 1702  
was affixed in the presence of



**Mr Mick McDonald (Secretary)**



# COLVILLIA BODY CORPORATE GTP 2504

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Colvillia GTP 2504

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Colvillia GTP 2504 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR ROBERT NOLAN

Dated: 4 March 2024

THE COMMON SEAL OF  
COLVILLIA GTP 2504  
was affixed in the presence of

Mr Nicholas Mullings (Secretary)



# DARWINIA BODY CORPORATE GTP 107488

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Darwinia GTP 107488

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Darwinia GTP 107488 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MRS JANE BURKE

Dated: 6 March 2024

THE COMMON SEAL OF  
DARWINIA GTP 107488  
was affixed in the presence of



  
Mrs Deborah Frearson (Secretary)

# HARPULLIA BODY CORPORATE GTP 107045

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Harpullia GTP 107045

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Harpullia GTP 107045 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR PAUL KERNAGHAN

Dated: 5 March 2024

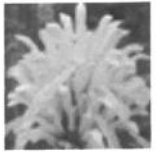
THE COMMON SEAL OF  
HARPULLIA GTP 107045  
was affixed in the presence of

  
Mr Shaun Clarke (Secretary)



# JUSTICIA BODY CORPORATE GTP 107472

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Justicia GTP 107472

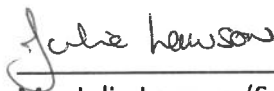
Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Justicia GTP 107472 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR STEPHEN ANDERSON

Dated: 4 March 2024

THE COMMON SEAL OF  
JUSTICIA GTP 107472  
was affixed in the presence of

  
Mrs Julie Lawson (Secretary)



# LIVINGSTONIA BODY CORPORATE GTP 1712

*A part of the Sanctuary Cove Resort Community*



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

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

**FROM:** Livingstonia GTP 1712

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Livingstonia GTP 1712 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

**MR BRIAN EARP**

Dated: 7 March 2024

THE COMMON SEAL OF  
LIVINGSTONIA GTP 1712  
was affixed in the presence of

Mr Brian Earp (Secretary)





# MOLINIA BODY CORPORATE GTP 107442

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Molina GTP 107442

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Molina GTP 107442 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MRS CHERYL MCBRIDE

Dated: 4 March 2024

THE COMMON SEAL OF  
MOLINIA GTP 107442  
was affixed in the presence of

  
Mr Stephen Kelly (Secretary)



# PLUMERIA BODY CORPORATE GTP 2207

A part of the Sanctuary Cove Resort Community



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

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

FROM: Plumeria GTP 2207

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Plumeria GTP 2207 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR NICHOLAS EISENHUT

Dated: 11 March 2024

THE COMMON SEAL OF  
PLUMERIA GTP 2207  
was affixed in the presence of

Mr Neil Taylor (Secretary)



# ROYSTONIA BODY CORPORATE GTP 1769

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Roystonia GTP 1769

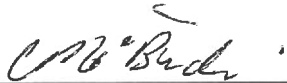
Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Roystonia GTP 1769 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MRS SIMONE HOYLE

Dated: 7 March 2024

THE COMMON SEAL OF  
ROYSTONIA GTP 1769  
was affixed in the presence of

  
Ms Cheryl McBride (Secretary)



# SCHOTIA ISLAND BODY CORPORATE GTP 107106

*A part of the Sanctuary Cove Resort Community*



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

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

FROM:           Schotia Island GTP 107106

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Schotia Island GTP 107106 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR WAYNE BASTION

Dated: 4 March 2024

THE COMMON SEAL OF  
SCHOTIA ISLAND GTP 107106  
was affixed in the presence of



Ms Maria Forgiione (Secretary)

# WASHINGTONIA BODY CORPORATE GTP 1703

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Washingtonia GTP 1703

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Washingtonia GTP 1703 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MR ANTHONY ELLINGFORD

Dated: 7 March 2024

THE COMMON SEAL OF  
WASHINGTONIA GTP 1703  
was affixed in the presence of

A handwritten signature in cursive script, appearing to read 'C McBride', written over a horizontal line.

Ms Cheryl McBride (Secretary)



# WOODSIA BODY CORPORATE GTP 107353

*A part of the Sanctuary Cove Resort Community*



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

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

FROM: Woodsia GTP 107353

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Woodsia GTP 107353 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

MRS FAYE WYER

Dated: 6 March 2024

THE COMMON SEAL OF  
WOODSIA GTP 107353  
was affixed in the presence of



Mrs Mary Sanders (Secretary)

# ZIERIA BODY CORPORATE GTP 107434

*A part of the Sanctuary Cove Resort Community*



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

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

**FROM:** Zieria GTP 107434

Take Notice under Section 24(2)(b) of the Sanctuary Cove Resort Act 1985 (as amended) that the Zieria GTP 107434 Body Corporate, appoints as its body corporate nominee, the individual named below to vote, exercise or perform on its behalf any, power, authority, duty or function conferred by or under the Sanctuary Cove Resort Act 1985(as amended) or the Building Units and Group Titles Act 1980 (as amended), of the body corporate.

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

**MR HUGH MARTIN**

Dated: 5 March 2024

THE COMMON SEAL OF  
ZIERIA GTP 107434  
was affixed in the presence of

Mr Michael Kowalczyk (Body Corporate Manager)







6 March 2024

**Communication to owners regarding the SCCSL March 2024 Newsletter**

Good afternoon, fellow Sanctuary Cove residents,

Yesterday, you received an SCCSL Newsletter composed by the CEO, Dale St George. I would like to add some context and clarity to the content.

Following the revelation of the existence of a SCCSL wholly owned subsidiary company, Resort Body Corporate Services Pty Ltd (RBCS), by a members nominee at the February PBC EGM, the CEO responded with some additional information in the newsletter. I appreciate his effort.

RBCS currently contracts strata services to two body corporate schemes in the Hope Island Resort. There is an intention for RBCS to provide body corporate services to Harbour 1 and future Mulpha developments. Sanctuary Cove Body Corporate Services employees are providing that service. No additional staff have been employed. There is concern that the high turnover of SCCSL staff may be reflective of the additional workload.

The PBC and PTBC established SCCSL as a not-for-profit company to provide management and administrative services for their body corporates, assets and security within Sanctuary Cove Resort only. These services may be provided by way of a separate and specific wholly owned subsidiary such as Sanctuary Cove Body Corporate Services Pty Ltd and Sanctuary Cove Security Services Pty Ltd. Both are listed in the SCCSL Operation Plan 2023-2024. RBCS is not.

20/04/2022 RBCS was registered with ASIC. The PBC chairperson, who was also the appointed PBC shareholders nominee, did not reveal to the property owners the intention, detail or strategy behind the establishment of RBCS. Nor did he seek the opinion or approval of the lot owners whom he represented. In fact, many members nominees were unaware of RBCS or its contractual commitments until the February EGM this year

A matter that seeks to leverage the resources of SCCSL and potentially exposes it to a new business risk outside Sanctuary Cove is a matter of significant importance and should have been put to a PBC vote with a full business case identifying the opportunity, risks, and costs.

Currently, the PBC and RBCs contribute 82% of the total administration and management fees to SCCSL. Both entities contribute 93% of security costs. Despite this level of contribution, the PBC is limited to equal voting rights with the PTBC due to a 50/50 shareholding. Originally the PTBC held the majority of directors (3 PBC vs 2 PTBC) on the SCCSL board. Various amendments approved by our long ago predecessors reduced our impact on the activity of SCCSL. The board is now comprised of 2 PBC & 2 PTBC directors. Many may consider this to be an unreasonable arrangement.





PRINCIPAL BODY CORPORATE  
Sanctuary Cove

In my roles as PBC chairperson and director of SCCSL, I am concerned that the residents have not been represented on the board since my predecessor resigned in April 2023. Despite my election as PBC Chairperson 26/06/2023, and my appointment as a director on SCCSL by ASIC 27/09/2023, I have not been invited to attend a board meeting. Incorrect excuses prevented my attendance. This situation did not occur during my immediate predecessor's tenure when she was signing board documents related to SCCSL within days of being elected to the PBC Chairperson's position.

Publicly available documents have revealed that over the last eight month period, directors meetings were held that did not constitute a quorum under the SCCSL Shareholders Agreement (SA) because no PBC director was present. In addition, two directors continued in their roles despite their terms expiring and not being renewed in accordance with the SA. The effect on the decisions that were made is unknown at this point.

I am looking forward to joining the SCCSL board with my PBC colleague, Paul Kernaghan, when he formally accepts the role. We are determined to fulfill our positions with integrity and diligence. Wherever confidentiality clauses permit, openness and transparency with the property owners we represent, will mark our tenure.

If you have any concerns or questions regarding this communication, please have no hesitation in contacting PBC Executive Committee member Cheryl McBride on 0439 936 955.

Kind regards,

Stuart Shakespeare

PBC Chairperson



11<sup>th</sup> March 2024

Mr Leslie & Mrs Sally-Anne Jackson  
1053 Edgecliff Drive  
SANCTUARY COVE QLD 4212  
Transmission via email:

Dear Leslie & Sally-Anne,

**REQUEST FOR TREES TO BE PLANTED ON COMMON LAWN IN FRONT OF 1053-1051  
PROPERTY: 1053 EDGECLIFF DRIVE, LOT 68 TRISTANIA GTP 107217**

We are writing to provide an update on the request for trees to be planted on common lawn out the front of 1053 & 1051 Edgecliff Drive.

Despite the minutes still pending drafting and approval, we can confirm that following discussions in the PBC EC meeting held 7<sup>th</sup> March 2023 at 9:00am, it was decided by the committee that this request would be **denied**, due to the presence of various infrastructure networks in the vicinity.

Thank you for your understanding and cooperation in this matter. If you have any questions or concerns, please do not hesitate to contact the office on (07) 5500 3333 or via email at [psc@scove.com.au](mailto:psc@scove.com.au).

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

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

**Dale St George**  
Chief Executive Officer  
Sanctuary Cove Body Corporate Services Pty Ltd



11<sup>th</sup> March 2024

Mr Alan & Mrs Margaret Pirrone  
3049 Forest Hills Drive  
SANCTUARY COVE QLD 4212  
Transmission via email:

Dear Alan & Margaret,

**REQUEST WATER LEVY PAYMENT EXTENSION UNTIL 21<sup>st</sup> APRIL 2024**  
**PROPERTY: 3049 FOREST HILLS DRIVE, LOT 49 ALPINIA GTP 107209**

We are writing to provide an update on the request for an extension on your outstanding water levy payment until 21<sup>st</sup> April 2024.

Despite the minutes still pending drafting and approval, we can confirm that following discussions in the PBC EC meeting held 7<sup>th</sup> March 2023 at 9:00am, it was decided by the committee that this request will be approved, so long as the full amount is paid either before or on the 21<sup>st</sup> of April 2024.

Thank you for your understanding and cooperation in this matter. If you have any questions or concerns, please do not hesitate to contact the office on (07) 5500 3333 or via email at [psc@scove.com.au](mailto:psc@scove.com.au).

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

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

**Dale St George**  
Chief Executive Officer  
Sanctuary Cove Body Corporate Services Pty Ltd



11<sup>th</sup> March 2024

Mr Howard & Mrs Suzanne Burton  
5410 Bay Hill Terrace  
SANCTUARY COVE QLD 4212  
Transmission via email:

Dear Howard & Suzanne,

**REQUEST FOR REMOVAL/REPLACEMENT OF TREE DUE TO BERRY AND SAP DAMAGE  
PROPERTY: 5410 BAY HILL TERRACE, LOT 80 COLVILLIA GTP 2504**

We are writing to provide an update on the request for tree to be removed/replaced next to driveway due to berry and sap damage.

Despite the minutes still pending drafting and approval, we can confirm that following discussions in the PBC EC meeting held 7<sup>th</sup> March 2023 at 9:00am, it was decided by the committee that this request would be **denied**. However, PBC have requested for facilities to organise for the tree in question to be pruned/cut back to minimize the berries falling on the driveway.

Thank you for your understanding and cooperation in this matter. If you have any questions or concerns, please do not hesitate to contact the office on (07) 5500 3333 or via email at [psc@scove.com.au](mailto:psc@scove.com.au).

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

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

**Dale St George**  
Chief Executive Officer  
Sanctuary Cove Body Corporate Services Pty Ltd



11<sup>th</sup> March 2024

Mr Brendan Cole & Ms Lauren Copeland  
8950 The Point Circuit  
SANCTUARY COVE QLD 4212  
Transmission via email:

Dear Brendan & Lauren,

**REQUEST FOR MIRROR/REFLECTIVE TINTING ON UPSTAIRS MASTER BEDROOM  
PROPERTY: 8950 THE POINT CIRCUIT, LOT 37 ARDISIA GTP 107449**

We are writing to provide an update on the request for mirror/reflective tinting on the upstairs master bedroom.

Despite the minutes still pending drafting and approval, we can confirm that following discussions in the PBC EC meeting held 7<sup>th</sup> March 2023 at 9:00am, it was decided by the committee that this request cannot be given, keeping in line with the information outlined in the stage 2 DCBLs.

**2.20 GENERAL RESTRICTIONS**

**2.20.01** *A lot owner must not, unless:*

- a) The lot owner's Residential Body Corporate consents; and*
- b) The PBC approves, in writing,*

**Do any of the following:**

- 1) Erect any external blinds or awnings; or*
- 2) Fit any windows with mirrored glass or coat any windows with aluminum foil, reflected films, or similar material provided that this By-law will not operate to prevent the fitting of any energy efficient window if the window to be used or the treatment minimizes potential adverse effects on the external building and does not unreasonable prevent or interfere with a person's use and enjoyment of the building or another building.*

Thank you for your understanding and cooperation in this matter. If you have any questions or concerns, please do not hesitate to contact the office on (07) 5500 3333 or via email at [psc@scove.com.au](mailto:psc@scove.com.au).



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

A handwritten signature in black ink, appearing to read "Dale St George". The signature is fluid and cursive, with a horizontal line at the end.

**Dale St George**  
Chief Executive Officer  
Sanctuary Cove Body Corporate Services Pty Ltd

Partner Ian Hazzard  
 Direct line 07 3233 8976  
 Email ihazzard@mccullough.com.au  
 Our reference IWH



13 March 2024

Executive Committee Members  
 Sanctuary Cove Principal Body Corporate  
 c/o Cheryl McBride

Email [cheryl.mcbride@teamleisure.com.au](mailto:cheryl.mcbride@teamleisure.com.au)

Dear Executive Committee Members

### Proposed amendments to section 56 Sanctuary Cove Resort Act (Qld) 1985

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I refer to our cost agreement.

Recommend our work, and the PBC's instructions, might best occur on a staged basis.

Stage 1 might, for example, be as follows:

Item	Work scope	Fee estimate (GST and outlays exclusive)
1	Reviewing instructions	\$8,000 to \$10,000
2	Meeting with Sanctuary Cove Principal Body Corporate representatives	
3	Preliminary advice about instructions received	

Additional work scopes and fee estimates could be determined as matters proceed and before the relevant work is carried out.

Happy to also discuss any other fee arrangements at any time.

I look forward to next steps.

Kind regards

**Ian Hazzard**  
 Partner  
 73169034v1



## Cheryl McBride

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**From:** Tom Robinson <tom@tallaylaw.com.au>  
**Sent:** Wednesday, March 13, 2024 5:31 PM  
**To:** Cheryl McBride  
**Subject:** Re: Amendment s56 SCRA

Hi Cheryl,

Thank you for your email and patience. I have been attending the SCA Qld conference (which was held over Monday to Wednesday this week).

I have perused the brief and appreciate you providing this to assist me in providing a fee estimate.

To provide written advice on the three (3) matters raised in your briefing paper (points 8, 9 and 10) and our initial comments on the proposed Deed, I would make an allowance of **\$3,000.00 to \$4,000.00 plus GST and disbursements.**

Alternatively, if the Committee would prefer an initial opinion on those points and the Deed more expeditiously, I can meet with the Committee to discuss the three (3) matters, including the Deed, whereby our fees would be **\$1,200.00 plus GST.**

This option does not include provision of written advice however includes our time in reviewing documents and meeting with the Committee.

Depending on which option the Committee may initially prefer, I can prepare a motion for the Committee to consider resolving.

In order for me to assist, I will require initially, copies of the following documents:

1. by-laws for the PBC
2. by-laws for the Primary thoroughfare and Secondary thoroughfare
3. any and all plans for the PBC, Primary thoroughfare and Secondary thoroughfare

Please do not hesitate to contact me to discuss or if you have any queries.

I look forward to hearing from you.

Kind Regards,

Tom Robinson  
Principal



## Cheryl Mcbride

---

**From:** Mitchel Batty <mbatty@qldbar.asn.au>  
**Sent:** Wednesday, March 13, 2024 5:37 PM  
**To:** Cheryl Mcbride  
**Subject:** RE: Legal Cost Estimate

Dear Cheryl,

Thank you for your time on the phone. As discussed, I should be in a position to assist but would need a solicitor retained.

The three solicitors you could consider are:

1. Tim Quirk, Thynne Macartney, 3231 8876
2. Michael Connor, Connor O'Meara, 3221 3033
3. Wendy Evans, Clayton Utz, 0407 143 996

Kind regards,

**Mitchel Batty**  
Barrister-at-Law

Byth Chambers | Level 34 | 300 George Street | Brisbane QLD 4000  
E mbatty@qldbar.asn.au | T 3211 3256

### *Confidential Communication*

Information contained in this electronic mail transmission (which together with any attachment is hereafter referred to as "this email") may be confidential, and may also be the subject of legal professional privilege. Unless you are identified as a recipient of this email you are not authorised to use this email (or any part of it) in any manner (including but not limited to copying, forwarding or other dissemination). If you receive this email from a source other than me, please notify me immediately and delete the original. I do not warrant that this email is virus free. I do not consent to the use of this email other than for the purpose for which it has been provided by me, nor do I consent to alteration of this email without prior written approval. If for any reason I suspect that incoming electronic mail transmissions may be virus-infected, they will be quarantined and may not reach me. If you are concerned that an incoming transmission will not reach me, please request confirmation of receipt within the body of your email and resend the email if confirmation of receipt is not received within a reasonable time.

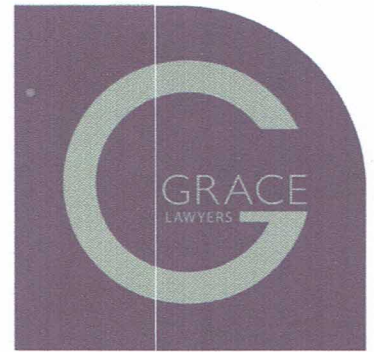
Liability limited by a scheme approved under Professional Standards Legislation.

**From:** Cheryl Mcbride <cheryl.mcbride@teamleisure.com.au>  
**Sent:** Monday, March 11, 2024 3:12 PM  
**To:** Mitchel Batty <mbatty@qldbar.asn.au>  
**Subject:** Legal Cost Estimate

Good afternoon, Mr Batty,

I hope you are well.

I am a member of the Sanctuary Cove Principal Body Corporate executive committee.



Know. Act. Resolve

8 March 2024

Body Corporate for Sanctuary Cove Principal  
c/- Cheryl McBride

Email: [cheryl.mcbride@teamleisure.com.au](mailto:cheryl.mcbride@teamleisure.com.au)

Dear Committee

**Advice on the amendment of Section 56 of SCRA 1985**

Thank you for the opportunity to assist.

**Your matter**

You have asked us to provide formal written advice regarding the proposal by the Primary Thoroughfare Body Corporate (PTBC) to provide support for the proposal to request the State Minister to amend section 56 of the *Sanctuary Cove Resort Act 1985* to provide greater control over access and usage rights to the primary and secondary thoroughfares within Sanctuary Cove, and review and advise on the terms of a proposed Deed of Agreement between the PTBC and PBC for such purposes.

Our work will entail the following:

- Liaise with and take instructions from PBC committee;
- Peruse and review letter and deed presented by PTBC's solicitors, MBA Lawyers;
- Research applicable legislative provisions;
- Examine the legislation and case law (where required)
- Drawing and providing formal advice; and
- Discuss advice with PBC committee (if required).

We estimate our costs to undertake these steps to be between \$4,000.00 to \$5,500.00 plus GST.

*Jarad Garry Maher  
554 8560*

**Partners:**

Colin Grace  
Daniel Radman  
Peter Ton  
Jessica Bates  
Brenton Schoch  
Sam Marsh  
Brendan Pitman  
Jarad Maher

**New South Wales:**

Level 12, 160 Sussex Street  
Sydney NSW 2000  
PO Box Q112  
Queen Victoria Building NSW 1230  
PH 02 9284 2700

**Victoria:**

Level 32/ 367 Collins St Melbourne  
VIC 3000  
PH 03 9966 8399 FX 03 9674 0400

**Brisbane:**

Level 9, 179 North Quay  
Brisbane QLD 4000  
PO Box 12962  
George Street QLD 4003  
PH 07 3102 4120 FX 07 3102 4121

**Gold Coast:**

Level 3, Suite 1D Emerald Lakes  
Town Centre Commercial  
3027 The Boulevard  
Carrara QLD 4211  
PH 07 5554 8560

**Australian Capital Territory:**

Level 9, Nishi Building  
2 Phillip Law Street  
Canberra ACT 2601  
PH 02 6243 3652 FX 02 6243 4848

**Western Australia:**

Level 28, AMP Tower  
40 Georges Terrace  
Perth WA 6000  
PH 08 9288 1870 FX 08 9288 1896

## Item 11

**From:** [Livingstonia Chairman/Secretary](#)  
**To:** [Dale StGeorge](#)  
**Cc:** [Jodie Syrett](#)  
**Subject:** Meeting Invitation  
**Date:** Thursday, 14 March 2024 8:02:44 AM

---

Good Morning Dale,

On behalf of the Principal Body Corporate (PBC) and the Executive Committee (EC) I would like to extend an invitation to you for your attendance at the scheduled monthly meetings of both the PBC and EC throughout 2024.

Regards,

Brian Earp  
Principal Body Corporate Secretary



14 March 2024

Mr I & Mrs G Erskine  
7022 Riverview Crescent  
SANCTUARY COVE QLD 4212  
Transmission via email: \_\_\_\_\_

Dear Ian & Gillian,

**RE: PONTOON MAINTENANCE - 7020/7022 RIVERVIEW CRESCENT**

We are writing to inform you of the decision regarding your recent request to repair the existing pontoon at 7020/7022.

After careful consideration and review, the Principal Body Corporate (PBC) has made the decision to approve the request based on the following conditions :

- The existing pontoon has existed in its current form since 2002.
- There have been no complaints from neighbours' regarding the pontoon.
- The pontoon remains the same size, shape, configuration and the location is not altered.
- The PBC EC notes that the keyline plan prohibits pontoons in this area of the waterway, but given the circumstances is granting relaxation based on the above conditions being met.

Please ensure Building Approvals has the relevant information on file with the above conditions met.

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

A handwritten signature in black ink, appearing to read 'Stuart Shakespeare'.

Stuart Shakespeare  
Chairperson  
Sanctuary Cove Principal Body Corporate

## Item 13

**From:** [Livingstonia Chairman/Secretary](#)  
**To:** [Jodie Syrett](#)  
**Subject:** FW: PBC Meeting 28 March - Correspondence for information  
**Date:** Monday, 18 March 2024 1:27:58 PM

---

Good Afternoon Jodie,

Please include this in Correspondence for Information for the next PBC meeting to be held on March 28.

Regards,

Brian Earp.

---

**From:** Peter Wright <portia.plato@gmail.com>  
**Sent:** Monday, March 18, 2024 10:54 AM  
**To:** livingstonia.scove@outlook.com  
**Cc:** Anthony Ellingford <anthonyellingford@gmail.com>  
**Subject:** PBC Meeting 28 March - Correspondence for information

Hi Brian

I understand you are the secretary of the PBC to whom I should address this email as formal correspondence to be tabled at the next PBC meeting on March 28th.

Dear PBC and RBC members. Yesterday, I was advised by a friend, and confirmed by a post this morning on FB - SC Locals, that the GCCC had visited the usual 4-5pm social gathering in Scotia Park on 17th March. The person who attended from council had obviously been given a firm directive to 'state the law' and give a warning to those present that all dogs were to be on leash or a fine of \$600 would be given to offending owners. Apparently the attitude was that of a strong bully and when voices were raised to discuss and ask questions of the council officer they were firmly refused.

The GCCC officer stated they would be continuing their visits on an irregular basis.

Who asked for the GCCC to attend and who gives them permission to enter our gated community. What is the formal/legal position here?

I believe the 'dog park' resolution only failed, after huge residential support, in August 2022 when Mulpha voted their vacant lots against the need to change the by law? Is it now the time to resurrect this matter in clearly the best interest of the majority of community residents.

Thank you



Peter Wright

Attached - copy of FB post today by Pam Meyer

A warning - council are coming in over the next few weeks to regularly check that all dogs are on leads. Today they paid a visit to the “unofficial “ dog park, on Schotia Island. So it all starts again!!! A great loss, the companionship it gives to owners not just the dogs is being taken away from us again. Yet they can blast the corellas, take the eggs from the nests of the ibis and lay traps for the foxes without any issue. What sort of society are we living in! The help this daily meeting has given to many people who are ill or suffering from a loss of a partner, talking with others, helping them through their ordeals has been taken away by a minority of angry people and a small minded body corp.

## Item 14

Briefing Notes for Lawyers – March 2024

### **Subject: Proposed Change to s56 Sanctuary Cove Resort Act 1985 (QLD) (SCRA) and the PBTC Lot Entitlement allocations for residential development within the Primary Thoroughfare Body Corporate**

#### **Background**

1. You may be aware that an application to rezone golf course land to a recreation club zoning (lots 52 & 54) was lodged by the Sanctuary Cove Primary Thoroughfare Body Corporate (**PTBC**) on behalf of Mulpha Sanctuary Cove Developments (**MSCD**) to the QLD Govt, in July 2022. The intended use, as stated by MSCD personnel, is to construct residential units. For various reasons, more than 350 residents submitted letters of objection.
2. To date, no communication has been provided to the Sanctuary Cove Principal Body Corporate (**PBC**) members or residents regarding the proposed number of dwellings, the appearance, the effect on ageing infrastructure, etc. The sole development control cited by MSCD personnel is a height restriction of 4 storeys for the intended residential dwellings. As a result, the majority of residents in Sanctuary Cove are extremely concerned.
3. The PBC members represent the interests of the Sanctuary Cove residents. Members understand their entitlement to object to the uncontrolled development of dwellings outside the residential zones due to the impact on the secondary thoroughfares brought about by the provision in s56.
4. During 2023 informal meetings, with representatives from MSCD, the PBC, and Sanctuary Golf & Country Club Holdings (SCGCCH) were held. A proposed change to s56 was suggested by the MSCD representative to ameliorate residents' concerns about the proposed zoning change.
5. June 2023, executive committee members of the PBC were issued with a letter from MBA Lawyers on behalf of the Sanctuary Cove Primary Thoroughfare Body Corporate (MSCD & SCGCCH controlled) suggesting

*"it is in the best interests of both the PBC and the PTBC for section 56 to be amended".*

The letter was accompanied by a Deed of Agreement with a request for PBC approval and signature. The members responded with a request for a consultative bi-lateral approach including the PBC and PTBC.

6. August 2023, a spoken agreement for the relevant stakeholders to engage a lawyer and to work through the possible effects for those impacted was made. This did not occur.
7. February 2024, another letter was issued to the PBC executive members by Barry Teeling, QLD Development Manager for MSCD. The request was again made to sign the Deed of Agreement to change s56.

#### **Request for Legal Advice**

8. The effect the proposed changes to s56 may have on the rights and entitlements of the residential zone lot owners, as precipitated by the proposed and uncontrolled development of dwellings outside the Residential Zones.
9. The effect the proposed changes may have on the rights and entitlements of the Residential Zone lot owners by allowing unrestricted access to the secondary thoroughfare by SCGCC members.

10. The impact on the rights and entitlements of the Residential Zone lot owners where the allocation of 1 PTBC lot entitlement, from a total of 1200 in the Marine Village, was transferred to the Harbour 1 development of 48 townhouses and apartments. Was the correct procedure followed for this transfer?

**Documents/ Communications**

11. Pls see attached MBA letter and Deed of agreement.
12. Others to be provided at your request.

As a motion to seek legal advice is proposed for inclusion in the agenda for the next PBC EGM on 28/03/2024, an order for cost would be appreciated by 14 March 2024.

Should further information be required, please have no hesitation in making contact.

Yours faithfully,  
Cheryl McBride OAM  
PBB Executive Committee Member  
0439 936 955



# **CORRESPONDENCE FOR ACTION**

## ITEM 1

Zieria RBC  
Sanctuary Cove.  
11 March, 2024.

The Chairman  
Principal Body Corporate  
Sanctuary Cove.

Dear Sir,

Re: Sitewide Kerbside Irrigation Roll Out in Sanctuary Cove.

### 1 Introduction.

Zieria RBC comprises of 26 lots, only 2 of which are undeveloped.

All homes in Zieria are mandated to lay turf on the nature strip adjacent to the home and install irrigation systems to maintain this turf.

### 2 Requests for Information regarding the installation of sitewide irrigation.

Following from discussions with BCS personnel, Dale St. George has confirmed the following with regard to my request.

1 “nothing planned at this stage in the 2024/2025 Budgets”

2 “2024/2025 Budget was set and approved last year – we are now working on 2025/2026 and as stated previously will certainly review with other priorities.”

The Minutes of the Finance Sub-Committee of 23 February state “DSTG advised assumptions for 2024/2025 Budgets submitted this month, drafts to be issued to the PBC and PTBC FSC next month. Draft budgets must be put to the RBCs in June/July.”

It is clear that the information supplied to the FSC in February contradicts what I have been told. The 2024/2025 budget has not been set and approved last year as previously stated and draft budgets will only be provided to the RBCs in June.

### 3 Budget Process.

There is no evidence that I can find that RBCs have been consulted on any items that they may wish to be included in the budget. I can also find no records of PBC discussion on the budget which leads me to the conclusion that the budget process is solely a BCS matter.

### 3 Budget Process cont.

I would argue that the exclusion of RBCs in the debate prior to drafting the budget is a major error. The presentation of “draft budgets” in June /July does not allow sufficient time for debate and any agreed changes to be made.

Millions of Dollars have been spent on providing irrigation water storage but there appears to be no plan for the roll out of the irrigation system to the new RBCs where it is required.

### 4 Further Anomaly.

As explained earlier Zieria currently irrigates its kerbside turf with high cost potable water at the owner’s expense. However, Zieria residents also pay via their SC levy towards the cost of the water consumed by the existing irrigation system of which they are not part. In effect Zieria residents are being charged twice for kerbside irrigation, or, put another way they are subsidising the cost of water to those residents who currently have kerbside irrigation.

### 5 Conclusion.

I believe that a proposal for the roll out of irrigation to all RBCs should be developed with the intention to install irrigation to those RBCs that currently do not have irrigation at the earliest opportunity.

Secondly, the current practice of charging RBCs for the consumption of irrigation water which is not available to them should cease and prior charges should be refunded.

I trust this will receive your consideration.

Yours faithfully,

Hugh Martin

Members Nominee for Zieria RBC.