



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

Location of meeting: Meeting Room 1, Body Corporate Services, Shop 1A, Masthead Way Sanctuary Cove
Date and time of meeting: Monday 15th July 2024
Meeting time: 09:02AM – 1:06PM
Chairperson: Stuart Shakespeare

Attendance

The following members were present in person at the meeting:

Lot: Felicia GTP 107128 Owner Felicia GTP 107128 Rep: Mr Stuart Shakespeare (SS)
Lot: Harpullia GTP 107045 Owner Harpullia GTP 107045 Rep: Mr Paul Kernaghan (PK)
Lot: Livingstonia GTP 1712 Owner Livingstonia GTP 1712 Rep: Mr Brian Earp (BE)
Lot: Molinia GTP 1072442 Owner Molinia GTP 107442 Rep: Mrs Cheryl McBride (CM) @ 9:22am
Lot: Roystonia GTP 1769 Owner Roystonia GTP 1769 Rep: Mrs Simone Hoyle (SH)

The following members were present by Proxy:

The following members were present by Voting Paper:

Lot: Plumeria GTP 2207 Owner Plumeria GTP 2207 Rep: Mr Nicholas Eisenhut (NE)

Present by Invitation:

Mrs Jodie Syrett, Manager Body Corporate (Minute Taker)

Apologies:

Mr Dale St George, CEO SCCSL
Mr Nick Eisenhut
Mr Andrew Brown

A Quorum was present.

Meeting was recorded.

Nil Conflict of Interest

1. Motions:

1	Approval of PBC EC Minutes 16th June 2024 (Agenda Item 6.1)	ORDINARY RESOLUTION
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Proposed by: Statutory Motion

CARRIED

RESOLVED that the Minutes of the PBC Executive Committee Meeting held on 16th June 2024 be accepted as a true and correct record of the proceedings of the meeting.

Yes	4
No	0
Abstain	1

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Andrew Brown			
Cheryl McBride	X		
Simone Hoyle			
Brian Earp	X		
Paul Kernaghan			X
Nicholas Eisenhut	X		

Proposed by: Statutory Motion

CARRIED

RESOLVED that the PBC EC approves the applications recommended for approval by the ARC at its meeting held 1st July 2024.

Further **RESOLVED** that the PBC EC approves the applications recommended for approval, subject to conditions, by the ARC at its meeting held 1st July 2024.

Further **RESOLVED** that the PBC EC does not approve the applications which have not been recommended for approval by the ARC at its meeting held 1st July 2024.

Further **RESOLVED** that the PBC EC approves the applications recommended for approval by the ARC, based upon the recommendations by the Executive Architect and the Snr Body Corporate Manager, at its meeting held 1st July 2024.

Yes	5
No	0
Abstain	0

NOTE:

4799 Painting – CM enquired into the ability to stop an owner painting their property if the neighbour doesn't agree to paint the same colour. The committee asked for this to be reviewed again by ARC.

7110 Neighbour consent – SS expressed concern with neighbour consent for this property due to several relaxations, resulting in one owner feeling pressured to agree to the relaxations. SS advised this procedure moving forward requires a meeting with a party from the ARC/PBC member, and the neighbours in question.

4707 Advice – SS enquired why the EAR is providing advice when there is a conflict of interest.

8071 Easement – SS mentioned that easements are on common property and side easements must comply with boundary regulations. The resident was informed by the Real Estate Agent they could build to the boundary line with the easement; however, this is untrue.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Andrew Brown			
Cheryl McBride	X		
Simone Hoyle			
Brian Earp	X		
Paul Kernaghan	X		
Nicholas Eisenhut	X		

3 Body Corporate – Matters in Progress (Agenda Item 6.3)

ORDINARY RESOLUTION

Proposed by: Statutory Motion

WITHDRAWN

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

Yes	
No	
Abstain	

NOTE: Add to Reports for Information instead of a motion & expected completion date added.

426 Cypress Point – SH requested a timetable of dates for implementation of lights, boom gate & asphalt.

427 OptiComm – Awaiting on a report and presentation to PBC EC for review, ask SC in CSC for a page review to date. SH requested an update by next meeting on the commitment of the CEO around access to technical expert advice.

429 Purchasing Policy – SH discussed this will be included in the Governance Review.

431 EMP – Working group to provide a list of points for residents. Reminder sent out to residents to call 000 in an emergency prior to calling security. Brogan to assist with the jurisdiction regarding state and federal agencies within the cove when an emergency arises.

Members Name	Yes	No	Abstain
Stuart Shakespeare			
Andrew Brown			
Cheryl McBride			
Simone Hoyle			
Brian Earp			
Paul Kernaghan			
Nicholas Eisenhut			

4 Residential By-Law Compliance application to referee – Lot 25, Woodsia (Agenda Item 6.4)

ORDINARY RESOLUTION

Proposed by: PBC Chairperson

CARRIED

RESOLVED that the PBC EC instructs the Body Corporate Manager to lodge an application with the Office of Commissioner as the Body Corporate Management are seeking an Order that the Owners of Lot 25, Woodsia comply with Residential Zone Activity By-Law 3.1 (a) Repair and Maintenance.

Yes	6
No	0
Abstain	0

NOTE:

CM suggested a few sentences in Mandarin with compliance notice for the international residents with Brogan reviewing the wording.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Andrew Brown			
Cheryl McBride	X		
Simone Hoyle	X		
Brian Earp	X		
Paul Kernaghan	X		
Nicholas Eisenhut	X		

5 PBC Governance Review (Agenda Item 6.5)

ORDINARY RESOLUTION

Proposed by: PBC Chairperson

CARRIED

RESOLVED that from the two detailed assessments we conducted of suitably qualified governance auditors and consultants, the PBC EC recommends to the PBC the acceptance of Directors Australia proposal and quote for \$39,200 plus GST to conduct the PBC, PBC EC and sub-committees' governance review, aimed at developing a 'best fit' governance blueprint and framework.

Yes	6
No	0
Abstain	0

NOTE:

Directors Australia are available from the first week of August, pending PBC EGM approval of expenditure.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Andrew Brown			
Cheryl McBride	X		
Simone Hoyle	X		
Brian Earp	X		
Paul Kernaghan	X		
Nicholas Eisenhut	X		

6 Secondary Thoroughfare By-Law (STBL) amendment to control parking (Agenda Item 6.6)

ORDINARY RESOLUTION

Proposed by: PBC Chairperson

CARRIED

RESOLVED that the EC supports the approval of the proposed amendments to the STBLs and that a motion be put to the July PBC EGM this for consideration of the amendment.

Yes	6
No	0
Abstain	0

NOTE: *Wording amendment from HM, BW to check and advise.*

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Andrew Brown			
Cheryl McBride	X		
Simone Hoyle	X		
Brian Earp	X		
Paul Kernaghan	X		
Nicholas Eisenhut	X		

Motion 7 Background:

Earlier last year, MBA Lawyers, representing the Primary Thoroughfare Body Corporate (PTBC), sent a letter to the Principal Body Corporate (PBC) Executive Committee. They claimed the PBC was acting unlawfully by opposing the rezoning of golf course land for new residential units, saying the PBC has no authority outside the Residential Zones.

The PBC consulted Grace Lawyers, who advised that the PBC does have the right to object to developments outside the Residential Zones. This is because Section 56 (s56) of the Sanctuary Cove Resort Act (SCRA) gives lawful occupiers of land within the resort a right of way through the Secondary Thoroughfare in the Residential Zones. Therefore, any development outside these zones affects us all.

Despite this, and without consulting the PBC, the PTBC instructed MBA Lawyers to draft a deed for the PBC to sign. This deed would prevent the PBC from objecting to developments and rezoning outside the Residential Zones.

Why This Matters

The PBC has rules (Development Control By-Laws) that limit the number and size of buildings within the Residential Zones. Outside these zones, there are no such controls except for a general rule limiting buildings to four storeys. As new homes are being developed outside the Residential Zones, the PTBC should create new rules to maintain standards.

The PBC is a significant stakeholder in areas outside the Residential Zones, with a 47% interest in the PTBC. This means the PBC has a say in voting rights, funds for upkeep, and ownership of common areas.

The Sanctuary Cove Resort Regulation allows residential apartments in areas like the Recreation Club, Village, and Hotel Zones. Mulpha, the developer, believes this means apartments can become the main use in these zones. This could change the makeup and character of the resort.

For example, Lot 52 is now proposed to have four-storey apartment buildings, doubling the number of units compared to Harbour One. Uncontrolled development like this could harm the resort's environment and quality of life.

In 2022 and 2023, the PBC opposed the rezoning of Lots 52 and 54 due to concerns about uncontrolled development.

Other Considerations

1. Many new buyers in Harbour One are current or former residents of the Residential Zones. They are likely to have friends and family here and can register as eligible visitors, gaining access to the Secondary Thoroughfare.
2. Some residents outside the Residential Zones will be members of the golf club, giving them access to the Secondary Thoroughfare along with other members from outside Sanctuary Cove.
3. Hotel guests, corporate groups, and golf tour groups will continue to have access to the Secondary Thoroughfare to play golf.
4. Commercial vendors and tradespeople will continue to have access to the Secondary Thoroughfare.
5. Section 56 grants a right of way, not a right to use the Secondary Thoroughfare. This right should not be unreasonably restricted by the PBC.

Residents within the Residential Zones must register annually with security for access. It would be reasonable to expect residents outside these zones to do the same if they want to travel through the Residential Zones.

The number plate recognition system can monitor vehicles entering and leaving the Residential Zones to ensure compliance with s56.

Since owners of dwellings outside the Residential Zones do not contribute to the PBC, it seems fair to charge them an annual fee to cover the costs of providing access.

Conclusion

Given these points, the PBC should decline the offer to sign the deed for now. This decision preserves the PBC’s right to object to uncontrolled development. The PBC will continue to explore ways to monitor and manage access to the Secondary Thoroughfare under the current rules.

7 Not to amend S56 of the SCRA (Agenda Item 6.7) ORDINARY RESOLUTION

Proposed by: PBC Chairperson **CARRIED**

RESOLVED that the EC does not support the amendment of s56 of the SCRA and proposes the following motion at the forthcoming EGM:

***THAT** the PBC does not sign the draft deed proposed by the PTBC and that the PBC investigates the controls that can apply to residents of homes outside of the Residential Zones who wish to have a right of way along the Secondary Thoroughfare roads.*

Yes	6
No	0
Abstain	0

NOTE: Circulate the Q & A to the MN ahead of the PBC EGM meeting.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Andrew Brown			
Cheryl McBride	X		
Simone Hoyle	X		
Brian Earp	X		
Paul Kernaghan	X		
Nicholas Eisenhut	X		

8 Correspondence for Action (Agenda Item 8)

ORDINARY RESOLUTION

Proposed by: PBC Chairperson

CARRIED

RESOLVED that the PBC EC notes and accepts the Correspondence for Action June/July 2024 as tabled and instructs the Manager of Body Corporate to action as issued at the meeting.

Yes	6
No	0
Abstain	0

NOTE:

Item 1. Alpinia Common Property – SS requested audits to commence on all RBCs common property to analyse the work required. SS to advise Alpinia MN at next PBC EGM, a scope of work requires completion before any consideration from PBC to take over the common property. Refer to Service Agreement for RBC on scope of work.

Item 2. Harpullia additional parking – Declined due to lack of visibility of traffic around the bend. MBC to send resident the decision notice.

Item 3. Formal Complaint Lot 8 (Zieria) & Lot 99 (Washingtonia) – SS mentioned the process for Lot 8, should have included both parties interviewed prior to an outcome. Regarding Lot 99, evidence wasn't provided that the metal object came from a Landscape mower.

Item 4. Boat 4734 – After considering the information provided by SRB report and the boat being oversized for the pontoon at 4734, the PBC agreed it needs to be removed. MBC to send resident the decision notice.

Item 5. Dog off leash area – SS to provide a response, he mentioned it is hard to find a suitable area.

Members Name	Yes	No	Abstain
Stuart Shakespeare	X		
Andrew Brown			
Cheryl McBride	X		
Simone Hoyle	X		
Brian Earp	X		
Paul Kernaghan	X		
Nicholas Eisenhut	X		

7. Correspondence for Information:

7.1 Decision Notice 1858:

- SS mentioned the decision notice could have been worded more appropriately. The process required a conversation with both parties involved to determine an outcome. According to this decision notice, the resident in question wasn't afforded this opportunity.

7.2 Towing Report:

- SS requested for Brogan to try and obtain the towing policy from Royal Pines as the In-House Counsel.

9. Reports for Information:

9.3 FSC Minutes:

- PK suggested he will reach out to Finance Manager (MY) for clarification around some areas reporting in the negative on the PBC/PTBC financial report. PK raised concerns around a possible deficit with the administrative funds of both the PBC and PTBC.
- SH mentioned the minutes for the last FSC reflected the committee only met for approximately 15 minutes, and enquired if this was normal for each meeting.
- PK mentioned the budget for RBCS and concerns how the time is allocated for the two RBCs with the SC Body Corporate staff.

10. General Business

- Electronic Recording of Sub-Committees for discussion for PBC EGM meeting on 25th July 2024.

Motions for July PBC EGM:

- Governance Review
- Secondary Thoroughfare By-law Parking amendment
- S56

11. Next Meeting – Thursday 8th August 2024 @ 9:00am

12. Closure of Meeting

MEETING CLOSED @ 1:06PM

Chairperson: 

