



Minutes - Informal Body Corporate Meeting 05/01/2022

Present

Peter Kemp
John McCartney
Julie Bealing
Gary Pritchard
Lynne Lewis
Mark Simpson
Robyn Hauser

Apologies

Correspondence in: Page 6

Correspondence out: Page 7

General Committee Items:

Items outstanding in **Red**, Actions required in **Blue**

Previous Minutes 01/11/2021

- Letterboxes for caretakers - Letters sent/received. – Michael has apparently ordered new labels. The Body Corporate letterbox has been locked by the Caretaker. **Gary to get keys from Michael so he can collect mail addressed to the Body Corporate**
- Solar – **Tree trimming to reduce shading. Grounds committee to follow up. To be discussed at next meeting**
- Rubbish Removal JJ Richards trial – Committee does not want to progress with this. **JB to write to Michael, requesting he provide alternative proposal for addressing WHS concerns he has around bin collection. To be discussed at next meeting**

Previous Minutes 08/12/2021

Letting Agreement

- **Gate access for Sunrise at 1770 holidays.** A Letter was sent to Rebecca from Sunrise at 1770 Holidays, explaining that gate codes will not be issued to Letting Agents and that she must make arrangements with her tenants to hand over keys and swipe cards (which her owners should provide), in a manner consistent with her letting agreement.
- A Letter was also sent to Lot 29 asking for removal of the lockbox on the common property mailbox.

- **Breaches** A letter was sent via Archers to the co-directors of Sunrise at 1770 Escapes Pty Ltd outlining the breaches. [Further actions outlined below](#)

Caretakers Agreement:

- **Michael's review** - Michael's review to be carried out before Christmas. **Date needs to be decided.** The basis of the review will be as discussed at the informal meeting on 08/11/21. **Peter in consultation with Robyn, to review the overall format of the Caretaker Performance Evaluation from the last review and update with any identified improvements.** [Further actions outlined below](#)
- **Breaches** - A letter was sent via Archers to the co-directors of Sunrise at 1770 Escapes Pty Ltd outlining the breaches.

DRP update:

Peter and the DRP have met – agreed that the DRP needs to move forward with independent consultation. [Further actions outlined below](#)

Grounds Committee update:

- Request for additional staff over the Christmas holidays -A letter was written to Michael with the committee's decision of \$2000 total spend

It is reported that the beach track maintenance was not completed over winter. **Grounds committee to discuss with Michael whether enough boards are available/on order to complete this work.** [To be discussed at next meeting](#)

From previous meetings:

Lights at the gates and pool – **Michael to get demo.** [To be discussed at next meeting](#)

Tree removal by arborist - **Michael to get quote.** [To be discussed at next meeting](#)

Nursery operating Budget – **Michael to provide.** [To be discussed at next meeting](#)

Pool Maintenance Update:

Concrete spalling has been removed from China Beach pool, and work has now commenced on the Springs pool. **Anodes are on order, and packing and filling of the affected areas will commence once they have been received and installed.** [Progress to be discussed at next meeting](#)

STP/WTP Update:

Planned upgrade of the STP is now complete. **Body Corporate to arrange walk through of plant with Ben Kele to view the upgraded system.** [To be discussed at next meeting](#)

Bush Heritage Update:

Lawyers are expected to meet next week in regard to finalising the contribution agreement. [Progress to be discussed at next meeting](#)

Certification Update:

Changes to the consent orders are required to coincide with the Sunrise at 1770 fire management plan, which has been updated to incorporate the requirements of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas.

Approval from owners is required to make application to the courts to change the consent orders. To be discussed at next meeting

Generator Update:

Awaiting arrival of parts (engine monitoring interfaces). If the generator cannot be repaired, it is recognised that appropriate sizing of a new generator needs to be empirically assessed by an electrician/engineer. To be discussed at next meeting

Solar Update: (From Mark's email 20/11/2021)

Simon (solar installer) has/will talk to Michael about pump power requirements in order to size an appropriate battery option as well. Even if we do get a battery, we would still need a gen-set in case of excessive cloudy conditions. Battery options are scalable from 3 to 328 kWh.

Regarding the Compound solar installation, Simon advises that the price of panels has temporarily risen about 10c per Watt, meaning that the Compound site would cost about an extra \$4,000. The price rise is due to China shutting down factories to save coal, expensive shipping rates, tripling in price of polysilicon. Simon thinks that prices will come down again around March 2022. Even if we pay for panels now, there is no guarantee that we would receive panels any earlier.

My recommendation is that we sit for a while and check on prices again in Feb to see how they are tracking. We could still get a system in. To be discussed at next meeting

General Business

Correspondence – The Body Corporate committee agrees that going forward wherever practicable correspondence to and from the committee should be via the Secretary. Letters/correspondence will be signed from “The Sunrise at 1770 – Body Corporate Committee”, when it is necessary to emphasise that the intent of the correspondence is from the committee and not the individual.

Beach Access – There continues to reports of people accessing the beach via unauthorised tracks, despite letters to all owners and letting agents and the erection of signage and barricades. Of particular concern is a well defined track from Lot 121.

JB to write letter to owners of lot 121 asking them to rectify the track leading from their property which is encouraging people staying at the property to access the beach via the environmental protection zone instead of the designated beach access tracks. Will advise that people staying at the property seen to be in breach of this directive may be asked to vacate the property.

Unauthorised access to the estate – The body corporate committee has become aware of people accessing the estate by leaving swipe cards in unlocked letterboxes of non resident owners. The committee has evidence of this after an interaction between the chairman and the person who had gained access to the estate in this manner. The person involved admitted to regularly using this method to gain access to the estate, and this is confirmed by review of footage from the cameras located at the gate. Although the person has bona fide access to the estate, this unsecure method of leaving swipe cards in an unlocked mailbox is unacceptable for security reasons, both for the estate and for the owner whose mailbox is being accessed without permission.

The grounds committee will arrange for all the common property letterboxes to be locked. Owners who require the key for their letterbox can arrange to have one provided to them by the Caretaker.

Documentation will be created (if it does not already exist?) to ensure that all owners are aware of the methods of entering the estate (swipecards, remote fobs, intercom), their responsibility in ensuring that the guests they let into the estate have bona fide permission, and the requirement to keep their swipecards/fobs secure. For distribution with the “Welcome Pack” for new owners. JB to action.

Lockboxes on common property mailboxes - A Letter was sent to Lot 29 asking for removal of the lockbox on the common property mailbox. This has not been removed. JB to send follow up letter

Beach Club and Letting Rules – PRD requested a copy of these documents to update the information. These documents have not been updated since 2017. Mark to update to ensure the most current information is circulated to agents.

Caretakers Agreement:

- **Breaches**

The co-directors of Sunrise at 1770 Escapes Pty Ltd, have received and responded with counter claims to the breach letter. The chairman has since responded with evidentiary support of the points made in the breach letter. The co-directors of Sunrise at 1770 Escapes Pty Ltd have now asked for more time to respond to this letter via their solicitor.

The Body Corporate committee agrees that no further correspondence will be entered into in this matter. The Body Corporate committee will monitor the performance of Sunrise at 1770 Escapes Pty Ltd and any further breaches of the of the contract will form part of the Caretaker’s performance review.

- **Caretaker Review**

In order to ensure that we are able to make a meaningful assessment of the Caretaker’s performance, the committee recognises that a document needs to be created that collates the duties outlined in the Caretaker’s Agreement into a measurable/quantitative set of key performance indicators (KPI’s). The review document should also record any instances where the Caretaker is deemed to be in breach of the contract. This document will also assist in creating the required “scope of works” that will be needed when the contract comes up for renewal and needs to be put out for expressions of interest/tender.

Robyn and Lynne to work on creating this document. With input from other committee members as required. Caretaker’s review then to occur as soon as possible.

- **Contract renewal**

The caretaking agreement is due for renewal in 2023. The Body Corporate needs to determine the key deliverables of this contract so that it can be put out for expressions of interest/tender.

Potential options are:

- Employ everyone individually to perform the identified tasks
- Engage separately entities for administration and operations/maintenance
- Engage a single entity to look after both administration and operations/maintenance

The body corporate committee recognises that in order to get the best outcome we need to:

- Develop a contract that is:
 - enforceable
 - measurable/reportable
 - delivering value for money

The Body Corporate committee also recognises that any company or individual engaged, needs to have demonstrated in the application process that they have sufficient business acumen, management experience and awareness of the required workplace health and safety (WHS) standards to undertake the requirements of the contract.

The committee is also cognisant that the current conflict of interest that exists between the holders of the Contracting Agreement and the Letting Agreement is unworkable and should not be allowed/continued if possible in the next contract negotiations.

The committee recognises that the first stage in creating a suitable contract is creating a comprehensive “Scope of Works” document. [Gary/Grounds committee/Peter](#)

The contract document also needs to be structured in a way that is enforceable against the identified key deliverables. [Lynne to help with providing proforma example from related industry of what this might look like.](#)

Letting Agreement

The committee agrees that the conflict of interest that exists between the holders of the Contracting Agreement and the Letting Agreement is unworkable and should not be allowed/continued if possible in the next contract negotiations.

It is noted that the Letting Agreement with Ocean Ridge Enterprises Pty Ltd requires the company to operate from outside the estate.

DRP

Mark Hulst has resigned his position on the DRP.

The committee agrees that the Body Corporate needs to move forward by appointing a suitably qualified independent consultant to the DRP.

It is also recognised that the building approval costs to owners will need to increase under this arrangement.

The following potential candidates have been identified as having both suitable qualifications and sufficient knowledge of the intent of the Sunrise at 1770 estate.

Tim Ditchfield – [Peter to contact](#)

Bark Architects – [Peter to contact](#)

Mick Hellen (aardvarc) – [Julie to contact](#)



Body Corporate Informal Meeting Agenda 07/12/2021

Correspondence in:

13/12/2021	Marian Drew	Request for Secretary Contact Detail (via Archers)	email
14/12/2021	Michael Lane	Update on letterboxes - labels on order	email
14/12/2021	Bridge Brideaux	Response from Rebecca Willis solicitor gate codes	letter via email
15/12/2021	Ben Kele	Response regarding STP Results	email
16/12/2021	Hynes	Cost proposal Breaches and Gate Codes reply	letter via Archers
22/12/2021	Lot 169	Delays in building approval	email to Mark Hulst
23/12/2021	Michael Lane	Response to breach of caretaking agreement	letter via email
26/12/2021	Marian Drew	Gate Codes	email
26/12/2021	David Hughes	Entry to Sunrise at 1770 policies	email
28/12/2021	Rebecca Willis	Request for more time to respond to breach letter email	email
30/12/2021	Lot Owner	Complaint re caretaker	email
30/12/2021	Michael Lane	Gate code request report	email
1/01/2022	Rebecca Willis	Further request for more time to respond to breach letter email	
4/01/2022	David Hughes	Acknowledgement of BC response	email
4/01/2022	Mark Hulst	Resignation from DRP	letter via email
5/01/2022	PRD	Request for updated Rules and Code of Conduct	email

Correspondence Out:

12/12/2021	Julie Bealing	Request for extra staff decision	Michael Lane	Letter via email
13/12/2021	Julie Bealing	Secretary contact details	Marian Drew	email
13/12/2021	Julie Bealing	Sunrise at 1770 Holidays - Gate Codes	Rebecca Willis	Letter via Archers
13/12/2021	Julie Bealing	Lot 29 - Key Safe	Lot 29	Letter via Archers
13/12/2021	Julie Bealing	Michael requesting update on letterbox allocation	Michael Lane	email
14/12/2021	Julie Bealing	Request for sample results from WTP/STP	Ben Kele	email
21/12/2021	Julie Bealing	Breach of Caretaking Agreement	Michael Lane	Letter via Archers
22/12/2021	Archers	Design to be sent for independent review	Matt Dryden lot 169	Letter via Archers
22/12/2021	Archers	Response to solicitor re gate codes	Rebecca Willis	Letter via Archers
24/12/2021	Peter Kemp	Response to Rebecca Willis Re alleged mistruths in breach letter	Rebecca Willis	Letter via email
28/12/2021	Julie Bealing	Gate Codes response Marian Drew	Marian Drew	email
30/12/2021	Peter Kemp	Response re caretaker complaint	Lot owner	email
4/01/2022	Julie Bealing	Response re Entry to Sunrise at 1770 policies	David Hughes	email
4/01/2022	Julie Bealing	Correction to terminology regarding Letting agreement from letter 16/11/2021	Rebecca Willis	email