



Minutes - Informal Body Corporate Meeting 22/02/2022

Present

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

Apologies

Correspondence in: Page 10- 11

Correspondence out: Page 12 - 13

General Committee Items:

Items that remain outstanding from previous meetings in **Red**, actions required in **Blue**

Previous Minutes 01/11/2021 and 08/12/2021

- Rubbish Removal JJ Richards trial – Committee does not want to progress with this.
 - An email sent to Michael, requesting he provide alternative proposal for addressing WHS concerns he has around bin collection.

Previous Minutes 05/01/2022

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.

- A letter was written 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.

- Owner has responded. Denies knowledge of any issue or evidence of manmade track

Unauthorised access to the estate – The body corporate committee has become aware of people accessing the estate by leaving swipecards 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 swipecards 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.

A letter is to be written to all owners asking for permission to clean out their letter boxes, and advising that all letterboxes will then be locked, with a key available from the caretaker if required. JB to action

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.

Robyn has located the document that was created for the “Welcome Pack”, that contains this information. Currently this document is not included in the information pack that Archers sends all new owners? Robyn will check that the information is up to date, and a copy will be sent to Archers for distribution to all new owners in future. RH & 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.

A follow up letter was sent requesting lockbox be removed by 29/01/2022, or it will be removed by the Caretaker. No reply has been received from Lot 29.

Caretaker to be requested to remove lockbox as stated in the letter. Owner able to collect by contacting the Caretaker. JB to action

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.

This is currently in progress. MS to action

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, Lynne and Julie have created a document that includes KPI's which is of a sufficient standard for the Caretaker review to be completed

- **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.

The contract document also needs to be structured in a way that is enforceable against the identified key deliverables.

Lynne has started work on a Proforma template for the contract. Gary has created a Scope of Works document.

Input from everyone on the committee is required to ensure the new contract document is robust and contains all the required key deliverables.

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

- Mick Hellen was contacted. Peter has engaged with and been working with Mick Hellen as the independent consultant since.

General Business

Treasurer's Report

As per the reports tabled at the meeting.

Invoicing from BHA is outstanding

Anomalies in the charging of swipe cards (Cost \$22, Owners invoiced \$16) need to be rectified.

This needs to be raised with Archers. JMCC to action

It was noted that it is important that invoices are submitted promptly to Archers after completion of works, or provision of services (lot clearing, water allocation, swipe cards etc) so that owners are charged expediently and costs are recovered.

This was raised with the Caretaker during the review. ML to action.

- Sinking fund forecast

Sinking fund forecast has been completed. PK and JMCC have reviewed, and asked for some changes regarding the amortisation of assets to better reflect the current situation (solar panels, swimming pools).

Caretakers Agreement:

- Caretaker's review

The review with the Caretaker (Michael Lane) was discussed and then conducted today (22/02/22).

The discussion with the Caretaker (outcomes and required actions) have been recorded in a letter to be sent to the Caretaker.

- Michaels Staffing: Our options if any.

(Not discussed. Carry over to next meeting)

DRP

- Vote Mick Hellen into DRP.

The committee voted to appoint Mick Hellen to the DRP as the technical expert/ independent consultant.

- Call for chairperson for DRP.
 - (Currently have Gary, Mick, Michael Lane and Peter performing work for the DRP. Need someone to do the paperwork which is quite involved).
- Discuss future direction.

The committee believes that going forward, given the current volume of building activity in the estate the DRP will be better served with the following structure.

Technical Expert/Independent Consultant – Mick Hellen (Architect/Builder)

Administrator – Lynne Lewis (Body Corporate Committee member)

On Site Overview – Peter Kemp, Gary Pritchard (Body Corporate Committee members)

Caretaker - Michael Lane will continue to perform the duties related to the design review and building processes as outlined in the Caretaking Agreement.

DRP Cost and future cost of DRP

- Lot 164 and Brightlife. Not complying with CMS and Plans.
- Lot 42. Gabion stones not as per drawing approval.
- Lot 169 Brightlife, Mick and Owner.

It is recognised that the appointment of an independent consultant to address non-compliances in relation to these lots, will result in costs that exceed those charged to the owner for submission and approval of concept and final designs. However, the BC committee believes that the necessary steps were taken to ensure that the requirements of the CMS were adhered to.

Going forward the standard cost of these submissions will need to be reviewed. In future, additional costs incurred for work by the independent consultant as a result of non-compliance will be charged

back to the owner. The onus is on owner to engage a builder/architect that is sufficiently conversant with the CMS to preclude any non-compliance issues.

Appropriate fee increases to be determined. All committee once invoicing from independent consultant is received.

A process diagram/flowchart needs to be developed that explains the DRP requirements and approval process. RH has started this, LL to review.

DRP update February 2022

Houses Complete	Under Construction	Final Approval Granted	Concept Approval Granted	Concept Approval Pending	Plan Seeking Concept Approval
	Lot 42	Lot 108	Lot 169 *	Lot 150	Lot 123
	Lot 164	Lot 136	Lot 40		Lot 122
	Lot 22	Lot 98	Lot 95		Lot 143 ^
	Lot 128	Lot 63	Lot 97		Lot 174
	Lot 90	Lot 158			Lot 126
	Lot 55	Lot 125			

* With independent consultant, ^ Soil Tested

Grounds Committee:

- **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.**
- **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.**
- Lights at the gates and pool – **Michael to get demo.**
- Tree removal by arborist - **Michael to get quote.**
- Nursery operating Budget – **Michael to provide.** This was requested from Michael during his Caretaker review

Grounds committee to action/follow-up any items that remain outstanding in this list from previous meetings.

Vegetation management:

- We need to look at priorities and revisit the areas where we had the grinding machine 2 years ago.

Grounds committee to liaise with Michael to organise this.

- Billy goat weed through the estate.

Need to explore options, e.g Spraying, or will it run its course? Wayne maybe able to provide advice.

- Tree branches over Bloodwood Approval of quotation.

The committee has agreed to approve the quotation that was received from the arborist. **Grounds committee to follow up with Michael for this work to be completed.**

- Dead tree around the estate need clearing. Not just Bloodwood Ave Nth and Sth.

Vegetation management within the estate in general to manage bush fire risk was mentioned to Michael as part of the Caretaker review

Works progressing.

- China Beach repairs to pergola beams.

Works still to be completed.

- China Beach Decking Bearer and Joists replacement we have old quotes from Mike Murray and Tigg also Ian Gillies is giving us a budget price.
- Replace timber to carpark at the Springs Club under kids pool however my not be required see Michael if used. Possible replacement with rocks.

Michael to remove sleepers and replace with gravel

- Replace timber to carpark at lot 164 with concrete or rocks.

Remove timber and replace with concrete after the completion of the build on Lot 164

- Replace rotting post on southern boundary.

Look at options, including replace with same, replace with composite bollards, do not replace. Review condition again in 12 months

Pool Maintenance Update:

- Water leakage from the overflow of the Springs pool has been rectified
- Concrete repairs to China Beach and Springs pools are complete

A quote for \$3740 has been received for painting and siliconing work at the Springs and China Beach pools (scaffold is required for the China Beach Pool). This quote/work has been approved

STP/WTP

- Planned upgrade of the STP is now complete.

Ben Kele

- Meeting, update on upgrade and Contract.
- Septics pumped out not invoiced.
- Septics to be done.

Ben sent emails to the committee on 21/02/2022, which discussed some of these matters.

Committee needs to arrange an on-site meeting to discuss the update and the Contract.

Bores and Water usage

- As per Michael's email (01/02/2022) and John's reply (08/02/2022). How to manage/course of action if any.

The "Sunrise Dam" is empty. The north bore field level has reduced from 7.8 – 5.8 metres in 12 months. The Reedy Creek aquifer is not an unlimited resource, and demand for water has increased both within the township, as well as within the estate.

A letter to council may be required to get a better understanding of the demands on the aquifer so we are more informed (e.g. township usage, demand on the aquifer from/by Trility).

A letter will be written to owners reminding them that the water supply is not unlimited, and to use water prudently, especially in relation to watering of plants. JB to action.

Michael will send a monthly monitoring report of the Bore level to John.

Bush Heritage Update:

Peter has followed up with BHA via email this week. BHA have responded that they will follow up with a formal response to the redraft (v.02) of the Conservation Management and Contribution Agreement (Reedy Creek) by 24/02/2022.

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.

Need to organise with Archers to have this included in the next formal meeting

Generator Update:

- As per Michael's email dated 20/01/2022.

No further updates to date. Pathway to generator repair remains outstanding

Solar Update:

- As per Mark's email 20/11/2021
- Should we now progress

The committee has approved expenditure up to \$40000, preferably with invoicing after 01/06/2022, with the exception of deposit.

Mark has subsequently provided the following update from the supplier:

"Panel prices have dropped about 10% which is good but not quite to the same level as to where they were Sept/Oct last year. It appears as though they will stay at the price where they are because of the very, very high price of Polysilicon. It has almost tripled in the last 8 months and the situation will not ease for at least 2 years. I have been talking to several different suppliers on the price of the Longi panels to see what is the best price we can get. Our suppliers currently have stock which is good although one supplier did tell me that they had been waiting since November last year for some supplies which have only just arrived! We checked on the availability of the Solar Edge equipment and that is quite good at the moment. One supplier was out of the consumption meter but another supplier has that in stock. I am just waiting to get some final pricing for the Sunrise Compound system which I can forward onto you when I have it. This should be tomorrow all being well".

Mark to continue liaising with the supplier regarding the solar installation for the compound.

Other Items

- **Defibrillators.**

- Were approved however where to put them without being pinched to be resolved.

Approval has been given to start by purchasing one Defibrillator to be located in the Caretaker's vehicle.

Needs to be actioned

- **Gate Codes**

- Hopfeully now resolved

Caretaker was reminded of the BC position on the issue of gate codes during the reveiw

- **Lot 36 owner to address front screening of windows and clothing on deck over chairs etc.**

- Should suggest the owner builds a back deck for guest to sit.

This was not discussed at the meeting. Action is pending.

- **Other Items**

Concerns were raised during the meeting regarding the wording of properties advertised for sale in the estate, that may imply that air-BnB type listings, where individual rooms may be rented out are permissible within the estate.

Listing will be checked for conflict with the by-laws in the CMS, and appropriate actionn taken if necessary. (e.g Letter to the owner)



Correspondence in:

6/01/2022	Mick Hellen	Response in regard to appointment to DRP	email
7/01/2022	Rechenberg	Response re technician visit next week	email
8/01/2022	Michael Lane	Request for sick leave coverage	email
9/01/2022	Michael Lane	Response regarding approval of sick leave coverage	email
9/01/2022	Michael Lane	Response regarding materials in compound	email
10/01/2022	LOT 159	Complaint re drone flying over their property	email to Michael Lane
10/01/2022	Gary Pritchard	Stepping down from DRP sub committee	email
11/01/2022	Bridge Brideaux	Request for mediation	email
12/01/2022	LOT 169	Plan approval enquiry	email
14/01/2022	LOT 169	Plan approval enquiry	email
16/01/2022	Michael Lane	Update: extra staff, sick leave, compound	email
18/01/2022	Lot 97	Request for fuel load reduction	email
20/01/2022	Lot 169	Plan approval enquiry Landscape design (multiple emails)	email
20/01/2022	Mick Hellen	Plan approval advice lot 169	email
20/01/2022	Michael Lane	Quote for Bollard Re Lot 42	email
20/01/2022	Lot 121	Response to Beach access letter	email
21/01/2022	Lot 169	Plan approval 169	email
21/01/2022	HBDG	Concept plans 118	email
23/01/2022	Rebecca Willis	Enquiry Re Rechenbergs	email
		Gate Code request report, response re owner complaint, staff sick leave	
23/01/2022	Michael Lane		email
23/01/2022	Michael Lane	Re request for fuel load reduction	email

25/01/2022	Rechenberg	Technician visit date	email
25/01/2022	Marian Drew	Response to proposed gate access trial	email
30/01/2022	Michael Lane	Update on staff absence	email
1/02/2022	Lot 159	Trimming of trees Lot 159	email via Michael Lane
1/02/2022	Lot 169	Plan approval 169	email
1/02/2022	Michael Lane	Bore Water and Dam Level	email
1/02/2022	Marian Drew	Declined gate access trial	email
2/02/2022	Brightlife/Owner 164	Compliance with CMS	email
7/02/2022	Michael Lane	Update on staff absence	email
8/02/2022	Brightlife	Re Lot 164	email
16/02/2022	BHA	Response to query Re draft agreement	email
21/02/2022	Michael Lane	Springs Pool painting and silicon (Ian Gilles)	email
21/02/2022	Ben Kele	Work Schedule	email
21/02/2022	Ben Kele	Ozone Update	email

Correspondence Out:

6/01/2022	Julie Bealing	Response to PRD regarding boats in the estate	PRD	email
6/01/2022	Julie Bealing	Request for Independent consultant DRP	Mick Hellen	email
6/01/2021	Peter Kemp	Rechenberg - Service for intercom	Rechenberg	email
7/01/2022	Julie Bealing	Storage of materials in compound	Michael Lane	email
8/01/2022	Julie Bealing	Information in relation to DRP scope of works for consultant	Mick Hellen	email
10/01/2022	Julie Bealing	Request Caretaker to direct correspondence to Secretary when practicable	Michael Lane	email
12/01/2022	Peter Kemp	Lot 169 Referral to independent consultant	Lot 169	email
14/01/2022	Peter Kemp	Brightlife re lot 169, more info for Mick Hellen	Brightlife	email
17/01/2022	Archers	Response to Bridge Brideaux Re mediation request	Bridge Brideaux	letter via email
17/01/2022	Archers	New owner welcome pack	Lot 107	letter via email
18/01/2022	Peter Kemp	Request for Gate Code Reports	Michael Lane	email
19/01/2022	Julie Bealing	Follow up re Keysafe removal	Lot 29	letter via Archers
20/01/2022	Peter Kemp	Response to Lot 169 re Landscape Design multiple emails	Lot 169	email
20/01/2022	Julie Bealing	Response to Lot 97	Lot 97	email
20/01/2022	Julie Bealing	Request to facilitate fuel load reduction Lot 97	Michael Lane	email
20/01/2022	Julie Bealing	Beach Access Lot 121	Lot 121	Letter via Archers
21/01/2022	Mick Hellen	Re plans 118	HBDG	email
21/01/2022	Peter Kemp	Trial estate access for Marian Drew	Marian Drew	email
23/01/2022	Julie Bealing	Request for plan to cover staff absences	Michael Lane	email
24/01/2022	Mick Hellen	Request for Final Design Compliance Documents	BrightLife	email
25/01/2022	Julie Bealing	Forward info from Michael Lane re fuel load reduction	Lot 97	email
27/01/2022	Julie Bealing	Response to Marian Drew	Marian Drew	email
1/02/2022	Mick Hellen	Plan Approval 169	Lot 169	email
2/02/2022	Julie Bealing	Management of staff absence	Michael Lane	email
2/02/2022	Peter Kemp	Compliance with CMS Lot 164	Brightlife/Owner 164	email
6/02/2022	Peter Kemp	Approval for tree trimming	Michael Lane Lot 159	email
7/02/2022	Peter Kemp	Compliance with CMS Lot 164	Brightlife	email

10/02/2022	Archers	Welcome Pack Lot 14
15/02/2022	Peter Kemp	Follow up on Draft Agreement
16/02/2022	Julie Bealing	Committee decsion re JJ Richards Trial
21/02/2022	Peter Kemp	Response re Springs pool painting

Lot 14	Letter via email
BHA	email
Michael Lane	email
Michael Lane	email

DRP Correspondence

Jan-2022

Lot 169 Correspondence between MCH, Brightlife, Peter Kemp, Owner Lot 169

Multiple emails

Lot 118 Correspondence between MCH, Hervey Bay Design Group

Feb-2022

Lot 169 Correspondence between MCH, Brightlife, Peter Kemp, Owner Lot 169

Multiple emails

Lot 164 Correspondence between , Brightlife, Peter Kemp, Owner Lot 164

Multiple emails