

Body Corporate for

## Elysium Noosa CTS 37939

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### Minutes of a Committee Meeting held in the Recreation Centre, Elysium Noosa, on Monday, 7 November 2016 at 4:30pm

#### Voting Committee Members Present

Sarah Grandison (Chairman)  
Geoff Brinckman (Secretary)  
Stephen Osmond (Treasurer)  
Tony Frost  
Robert Hobson  
Mark James

#### Non-Voting Committee Members in Attendance

John Atkinson of SSKB (Community Manager)  
Mick Peters (Maintenance Supervisor - from 5.00pm)  
Sean Cary (General Manager of ENBC)

#### Others in Attendance

Lee Christie (Lot 119)  
Peter Lawrence (Lot 134)  
Colin Dean (Lot 60)

#### Apologies

Marguerite Kline

#### Quorum

The Chairman declared that a quorum was represented and opened the Meeting at 4.30pm. In doing so, Sarah gave credit to Jim Kissane for his contribution to Elysium over many years since its formation.

## 1 Confirmation of Minutes

**RESOLVED THAT** the Minutes of the Voting Outside Committee Meeting held on 12 October 2016 be confirmed and signed as a true and correct record of the proceedings of that meeting.

YES 6 NO 0 ABSTAIN 0 ACTION: NIL

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**RESOLVED THAT** the Minutes of the Committee Meeting held on 12 July 2016 be confirmed and signed as a true and correct record of the proceedings of that meeting.

YES 6 NO 0 ABSTAIN 0 ACTION: NIL

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**RESOLVED THAT** the Minutes of the Committee Meeting held on 6 June 2016 be confirmed and signed as a true and correct record of the proceedings of that Meeting.

YES 6 NO 0 ABSTAIN 0 ACTION: NIL

## 2 Matters Arising from Previous Minutes

### 2.1 Light Bollards

The Committee noted advice from Mick Peters that while some improvements have been achieved this remains a 'work-in-progress'.

ACTION: MICK PETERS/SEAN CARY

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### 2.2 Parking

Sean Cary advised that no problems have been reported recently and that arrangements for the viewing of the Art Union Home had operated relatively effectively and that it will be drawn on the coming Friday. However, the Committee **RESOLVED THAT** monitoring of compliance with the By-laws should continue and Owners should be encouraged through the Minutes of this Meeting to report any instance of blatant and or consistent breaches.

YES 6 NO 0 ABSTAIN 0 ACTION: SEAN CARY

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### 2.3 Letter to Council re Rates

The Secretary, Tony Frost and Bob Hobson reported on the total lack of a response from Council since April, which the Committee agreed was most disappointing – if not surprising.

The Committee **RESOLVED THAT** Tony Frost should ring Councillor Frank Wilkie again to seek a further meeting at the Council rather than officer level and then follow it up in the following week if no substantive response has been received by then.

YES 6 NO 0 ABSTAIN 0 ACTION: GEOFF BRINKMAN/TONY FROST/BOB HOBSON

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### 2.4 Speed Humps / Traffic Calmers

The Committee received a report from the Secretary on progress to date, noting that a 3.2m speed cushion is being installed at the entrance to the complex, before the first roundabout, together with signage stressing that the speed limit is enforceable – at a total cost of around \$3,000.00. The Committee expressed its thanks to Ross Carey, an engineer with expertise in this area, for his advice and assistance on the best position for its installation.

**RESOLVED THAT** 'No Through Road' Signs should be installed at the junction of Bennets Ash Road and Lake Edge Drive.

YES 6 NO 0 ABSTAIN 0 ACTION: GEOFF BRINKMAN/MICK PETERS

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### 2.5 Swale Drains

The Committee received a report from Sean Cary and **RESOLVED THAT** Hoyles Landscape Management should be engaged to maintain the areas regularly and that a set price should be set to control costs. It was further **RESOLVED THAT** the area between Lots 122 and 24 should be left for the time being.

YES 6 NO 0 ABSTAIN 0 ACTION: SEAN CARY/MICK PETERS/MARK JAMES

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### 2.6 Amendments to Management Protocols

The Committee **RESOLVED THAT** this item should now be removed from the Agenda for future Meetings, noting that the Protocols will be amended by the Committee as necessary and that they are available for inspection on the Body Corporate Website.

YES 6 NO 0 ABSTAIN 0 ACTION: CLOSED

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### 2.7 Recreational Centre and Swipe Card Management

The Committee noted that the management of the Swipe Card system is operating effectively.

ACTION: SEAN CARY/MICK PETERS

## 2.8 House Rules

The Committee noted that there has been ongoing correspondence about the behaviour of some people in the Recreation Centre and pool area and **RESOLVED THAT** the Committee will keep the House Rules under continuous review - with the assistance of input from Owners – bearing in mind the very real fact that Elysium is a diverse community where there is a wide range of views as to what is simply enjoying the facilities that are a feature of the complex and what is unacceptable. *These issues are also addressed further in these Minutes.*

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YES 6 NO 0 ABSTAIN 0 ACTION: SARAH GRANDISON/TONY FROST/SEAN CARY/MICK PETERS

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## 2.9 Signage

The Committee noted that, at the request of the Committee, the Community Manager had written to the Residents of Wild Apple Court as a consequence of the theft of Visitor Parking signs there, asking that they be on the lookout for any suspicious behaviour and notify Sean or Mick.

The Committee **RESOLVED THAT** the theft of the signs or other instances of vandalism are a totally unacceptable waste of Body Corporate resources and, if any offender is identified, he or she should be reported to the Police immediately.

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YES 6 NO 0 ABSTAIN 0 ACTION: ALL OWNERS

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## 2.10 Landscaping Sub-Committee

The Chairman discussed with Mark James a possible role in the Landscaping Sub-Committee. This is being discussed further between Committee Members as to how best to use the skill set and experience of all Committee Members.

## 2.11 Landscaping/Building Supplies

**RESOLVED THAT** the Body Corporate should open an Account with Bunnings with Mick Peters being authorised to purchase items on it and providing the invoices they have signed off for purchases to the Treasurer so that he can comfortably approve the monthly accounts when they appear on the HUB.

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YES 6 NO 0 ABSTAIN 0 ACTION: MICK PETERS/STEPHEN OSMOND

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## 2.12 Honey Myrtle Road - Landscaping

The Committee noted that the landscaping scheduled for Honey Myrtle Road has now been completed.

## 2.13 Removal of Tree

The Committee noted that a tree in front of Lot 132 has been removed without any reason given to, or approval sought from, the Body Corporate and **RESOLVED THAT** the Community Manager should write to the Lot Owner and advise that, in accordance with Clause 6 of the Development and Landscaping Code, he will be required to pay \$3,000.00 to the Body Corporate.

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YES 6 NO 0 ABSTAIN 0 ACTION: COMMUNITY MANAGER

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## 2.14 Children's Play Area – Ladder Nailed into Tree

**RESOLVED THAT** the Committee requested Mick Peters remove the timber steps that have been nailed into a tree in the children's play area.

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YES 6 NO 0 ABSTAIN 0 ACTION: MICK PETERS

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## 2.15 Future Landscaping Projects

The Committee noted that there are quite a number of projects which need scopes of works and quotations and **RESOLVED THAT** Mick Peters and Sean Cary, under the guidance of the Landscaping Sub-Committee, should jointly bring forward a fully costed program for the 2017/2018 Financial Year for consideration at the Budget Meeting.

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YES 6 NO 0 ABSTAIN 0 ACTION: SEAN CARY/MICK PETERS/STEPHEN OSMOND

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## 2.16 Security of Recreation Centre

**RESOLVED THAT** the Committee asked Mick Peters to investigate the incidents when the side door of the Recreation Centre has been propped open and advise the Committee of the identity of the person or persons responsible.

YES 6 NO 0 ABSTAIN 0 ACTION: MICK PETERS/COMMITTEE

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## 2.17 Newsletter

The Committee **RESOLVED THAT** the proposal of the Chairman that the Committee should produce a Newsletter aimed specifically at bringing the Elysium Community closer together by informing Residents of current issues and inviting suggestions to assist the Committee in acting in the best interests of *all* Owners. It was further **RESOLVED THAT** while the Newsletter will commence as product of the Committee it can evolve to a channel of communication between all Owners and Residents.

It was agreed that the initial Newsletter would be circulated by letterbox drop.

YES 6 NO 0 ABSTAIN 0 ACTION: COMMITTEE

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## 2.18 Tennis Court Security

**RESOLVED THAT** the Committee agreed not to have the swipe cards adjusted to allow entry to the Tennis Courts but noted that new locks have been purchased to secure the courts. An electrician has installed a timer so that the lights in the Tennis Courts automatically switch off at 8.00pm.

YES 6 NO 0 ABSTAIN 0 ACTION: MICK PETERS/SEAN CARY

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## 2.19 Christmas Parties

The Committee **RESOLVED THAT**:

- the Elysium Noosa Adults' Christmas Party will be held on Friday, 16 December; and
- the Elysium Noosa Children's Christmas Party should be held on Sunday, 18 December.

YES 6 NO 0 ABSTAIN 0 ACTION: SARAH GRANDISON

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# 3 Correspondence

The Community Manager tabled the schedule of correspondence.

**RESOLVED THAT** the correspondence be confirmed.

YES 6 NO 0 ABSTAIN 0 ACTION: SSKBACM

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## 3.1 Continual Noise Violation – From P Lawrence of Lot 134

The Committee discussed with the Owner of Lot 134 the contents of a number of letters he and his wife have sent to the Body Corporate recently and the Chairman's detailed reply of 2 November.

It was acknowledged that while individual Owners and Residents may have quite diverse views on what is acceptable or unacceptable behaviour within a community the size of Elysium, the By-laws do set out the standards which should be met.

There was some discussion about enforcement of the By-laws and it was **RESOLVED THAT** all Residents have a role to play in setting an example of compliance with the By-laws themselves and informing the Committee, either through correspondence with the Community Manager or communication with the Site Manager, when they observe breaches of the By-laws. This information should include specific details of time and place, the nature of the breach and details of the person or persons involved.

It was further **RESOLVED THAT** instances of dangerous driving or other criminal behaviour should be reported immediately to the Police.

With respect to concerns that Mr Lawrence raised with regard to sediment control on Lots where building has not been completed, these concerns should be brought to the attention of the General Manager or Maintenance Supervisor and if no action by the builder the breach be referred to the Noosa Council.

YES 6 NO 0 ABSTAIN 0 ACTION: ALL OWNERS

### 3.2 Amendments to By-laws – From J Macdonnell of McColm Matsinger Lawyers

The Committee noted that formal legal advice had been received that sale of Lots purchased by Art Unions cannot be prohibited.

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### 3.3 Further Correspondence from the Owner of Lot 189 – Pets

The Committee noted the email dated 14 August from Karsten Kobbe in response to the letter sent to him by the Community Manager at the direction of the Committee on 12 August, in which Mr Kobbe indicates that he ‘wishes to open the dialogue for a constructive solution’.

The Committee agreed that while the letter to Mr Kobbe did ask him to ‘offer a solution’ it was quite clearly in the context of its ‘statutory responsibility to oversee adherence to the By-laws, to which all Owners committed adherence when purchasing a Lot at Elysium Noosa’. The letter also pointed out that it is an essential part of the Committee’s responsibility to foster community harmony based on a set of accepted standards of behaviour – as set out in the By-laws.

The Committee **RESOLVED THAT**, given the wording of the By-laws and the environmental regulations that underpin them, and the interests of other Residents, it has no capacity to approve six animals being resident at Lot 189 in the future and must enforce the By-laws. It noted that, while Mr Kobbe and the pets have been residing in Victoria for some time and will continue to do so until March, he has still not sought approval for any of them to stay within his lot.

Accordingly, the Committee agreed that the Community Manager should refer the matter to Council and advise Mr Kobbe that this action is being taken to resolve the situation.

YES 6 NO 0 ABSTAIN 0 ACTION: COMMUNITY MANAGER

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### 3.4 Application for 2 Dogs to be Kept at Lot 82

**RESOLVED THAT** the Committee approved the application for two dogs over 20kg to be kept at lot 82.

YES 6 NO 0 ABSTAIN 0 ACTION: MICK PETERS

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### 3.5 Rubbish Bins – From David Townend

The Committee noted Mr Townend’s comments about the location of rubbish bins. The matter of rubbish removal in a timely manner will be addressed further in a future newsletter.

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### 3.6 Vegetation Growth on “Island” – From David Mitchell of Lot 141

The Committee noted the comments from the Owner of Lot 141 that the “island” has not been slashed for about 6 months and ‘is looking untidy’ and that the street light on the northern side of the roundabout at Smoke Bush Drive is leaning over at an angle. The Committee is referring to a habitat and wildlife consultant on how to manage and maintain all the natural habitat/bushland areas and lakes in Elysium. The island will be included in this report. Street light has been noted by the Committee.

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### 3.7 Maintenance of Garden Areas around Main Entry Road – From BCM for NSCBC

The Committee noted the contents of a Letter dated 3 November from Tim Stevenson, the Body Corporate Manager for Noosa Springs Community Body Corporate, requesting a meeting of the two Committees to ‘discuss the ongoing maintenance of the garden areas around the main entry road to our respective communities. This is the roadway that runs from the roundabout at Links Drive, down to the roundabout in front of the entrance to Elysium Noosa and the Noosa Springs gatehouse’. Mr Stevenson added that ‘Currently Noosa Springs spends the amount of \$2,454.76 (including GST) per month, or \$29,457.12 per annum, to maintain this roadway’.

The Committee **RESOLVED THAT** the Community Manager should write to Mr Stevenson responding that it believes this is Council property and should be maintained at its cost and is already in discussion with Council about the cost of the services that it provides to the Elysium Body Corporate.

YES 6 NO 0 ABSTAIN 0 ACTION: COMMUNITY MANAGER

### 3.8 Sean Cary – Role and Responsibilities

The Committee noted and endorsed the following letter received from Sean Cary. Sean gave a brief summary and clarified his role and position as General Manager.

“I am able to contribute to the estate given the background knowledge and history I have had with Elysium over many years. I have regular communication with all Residents, and communicate the correct information to both existing Residents and Owners, and potential buyers about the operation of the body corporate and their obligations. My role is as a direct link to the Body Corporate Committee. I am contracted to work limited hours per week.

The Committee went on and added that Sean is not the first point of contact with neighbourhood disputes, or community infringements and encourages Residents to work together to make Elysium an enjoyable, and harmonious community for all to live.”

### 3.9 Recreation Centre – From Lee Christie of Lot 119

The Committee discussed at some length with Mr Christie their concerns about noise emanating from the Recreation Centre and **RESOLVED** to investigate further what possible physical solutions might be available for dampening the sound.

It was noted that steps are being taken to pad the bottoms of the legs of the furniture to reduce the noise resulting when it is moved. The Secretary undertook to discuss the noise issue with a Sound Engineer with a view to finding a more effective long term solution.

The Committee **RESOLVED THAT** some additional signage would be installed to raise the awareness of the inconvenience that can be caused for neighbouring residents by inconsiderate and loud noise.

YES 6 NO 0 ABSTAIN 0 ACTION: MICK PETERS/TONY FROST/GEOFF BRINKMAN

### 3.10 Skateboard Riding in BBQ/Tennis Court Area – From G & S Owen of Lot 152

The Committee noted the concerns expressed by the Owners of Lot 152 regarding of use of the public area near the tennis court. All parties are working towards an amicable outcome.

## 4 Finance

### 4.1 Financial Reports from 1 February 2016 to 28 September 2016

The Treasurer presented the Statements of Assets and Liabilities and Statement of Income and Expenditure from 1 February 2016 to 7 November 2016, noting that the accounts are reasonably in line with the Budgets. In doing so, he advised that there will be a need to start preparing for some reasonably significant expenditure in the short-to mid-term to repair the damage done to the roadways once the majority of the building traffic is out of the way.

**RESOLVED THAT** that the financial reports as tabled be accepted.

YES 6 NO 0 ABSTAIN 0 ACTION: STEPHEN OSMOND

### 4.2 Term Deposit

**RESOLVED THAT:**

- i. the Treasurer be authorised to determine what action is required when the current term deposit/s expire; and
- ii. if the Term Deposit Investment Form is not completed and returned to the Community Manager before the expiry date, the term deposits will roll over for the same term and rate applicable on the day.

Institution	A/c No	YTD Balance	Start Date	Maturity Date	Term	Rate PA
Suncorp	123976068	\$137,343.33	24/05/2016	24/11/2016	6 months	3.00%
MBL	222868374	\$60,000.00	29/08/2016	28/12/2016	4 months	2.50%
MBL	281335828	\$100,000.00	29/09/2016	27/01/2017	4 months	2.35%
MBL	258189695	\$90,000.00	20/10/2016	17/02/2017	4 months	2.35%

The Committee noted that:

- the rate selected may change between the time of receiving instructions and the time of maturity;
- from 1 January 2015, new laws provide for a 31 day notice period if breaking a deposit prior to maturity or within the 7 day grace period; and
- any funds released would be subject to an Interest rate reduction.

YES 6 NO 0 ABSTAIN 0 ACTION: TREASURER

### 4.3 Aged Balance Report

The Community Manager presented the Aged Balance Report listing all outstanding levies and additional fees.

#### Arrears Recovery Process

Steps	Approximate timeline following expiry of due date	Notice	Action
1	No earlier than the 14th day after the due date	Reminder Notice - on contributions unpaid <b>Over \$300</b>	Lot Owner roll, notes and ledger and payments checked \$33.00 (including GST)
2	Between 10 and 14 days after the Reminder Notice date	Overdue Notice - on contributions unpaid <b>Over \$500</b>	Issue 2 <sup>nd</sup> notice to lot Owner Lot Owner roll, notes, ledger and pending payments checked \$66.00 (including GST)
3	No earlier than 14 days after the Overdue Notice date	Letter of Demand for any payments not made	Owners address details, Ownership information and records checked ledger balances and bank logs checked. Follow up calls or email if payment is not made \$198.00 (including GST) plus search fees.
4	No earlier than 14 days after the Letter Of Demand	Letter of Demand follow up - check account for activity	Follow up with Owners and Committee - resolution sought to see if legal action is necessary

The Committee **RESOLVED THAT** no recovery action in accordance with the Arrears Recovery Process (which may include legal proceedings) for unpaid levies, penalty interest (if applicable) and any costs reasonably incurred to collect the fees is required at this stage.

YES 6 NO 0 ABSTAIN 0 ACTION: NIL

### 4.4 Discount, Interest and Payment Plan Applications

The Community Manager tabled applications from Lot Owners for discount reinstatement, waiver of interest and/or costs and proposed payment plans for the Committee's consideration.

#### Application for discount (including interest and arrear recovery fees)

The Committee noted the application dated 3 August 2016 from the Owners of Lot 144 to reverse charges of \$676.12 which are comprised of \$335.40 in arrears and interest which was outstanding at settlement and not recovered by the buyers' solicitors and \$115.12 in interest and \$225.60 in recovery fees which resulted from the same solicitors providing SSKB with an incorrect address for the buyers.

The Committee noted that the \$676.12 remains outstanding but also noted advice from Sean Cary that the solicitors concerned had agreed to reimburse the Lot Owners for the full amount. The Committee agreed that this was an appropriate resolution of the problem.

## 5 Registers

The Committee noted that, in accordance with legislative requirements, SSKB maintain the Asset Register and the Contracts Register on behalf of the Body Corporate and agreed that no amendment is required to either at this stage.

YES 6 NO 0 ABSTAIN 0 ACTION: NIL

## 6 Compliance Matters

### 6.1 Safety Compliance Register Review

The Committee reviewed the Safety Compliance Register and agreed that it should be filed with the Minutes in the Minute Book and monitored and maintained by the Maintenance Supervisor so that it can be submitted to the Committee for further review at future Meetings in a totally up-to-date condition.

YES 6 NO 0 ABSTAIN 0 ACTION: MICK PETERS

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### 6.2 Work Health and Safety Report & Fire Safety Measures

The Community Manager advised that the last Workplace Health and Safety Report and Fire Safety report prepared for the Body Corporate are dated 7 October 2014 and were prepared by Lloyd Anderson Consulting.

The Committee **RESOLVED THAT**, in acknowledging its responsibility under the Act and the penalties for failing to exercise due diligence, that the Community Manager should obtain quotations to review the building's fire safety measures and WH&S status for consideration at its next Meeting.

YES 6 NO 0 ABSTAIN 0 ACTION: SSKBACM

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## 7 Other Matters

### 7.1 Voting Outside Committee Meetings

The Committee **RESOLVED** to adopt the electronic voting process for votes outside of committee with the notice of motion, including attachments, being sent via electronic means and votes from committee members submitted via the electronic process.

YES 6 NO 0 ABSTAIN 0 ACTION: SSKBACM

Note: The notice in this format still provides for all committee members to receive the notice in writing as required by the legislation.

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### 7.2 Committee Meeting Minimum Two Days' Notice

**RESOLVED THAT** the next Meeting of the Committee may be called with a minimum of two days' notice if required.

YES 6 NO 0 ABSTAIN 0 ACTION: SSKBACM

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## 8 Next Meeting

**RESOLVED THAT** the next Committee Meeting will be held on:

Date: Thursday, 23 February 2017

Time: 9.30am

Place: Recreation Centre, Elysium Noosa

YES 6 NO 0 ABSTAIN 0 ACTION: SSKBACM

## 9 Closure

There being no further business to discuss, the Chairman declared the Meeting closed at 7.10pm.

**Confirmed and signed as a true and correct record of this meeting.**

Chairman: \_\_\_\_\_ Date: \_\_\_\_\_