



WELCOME TO BULLETIN No 3 of 2024

Contact details of Body Corporate Members

Chairperson	Kenneth Law	kennethjohnlaw2020@gmail.com or 0431 882 549
Secretary	Kenneth Law	kennethjohnlaw2020@gmail.com or 0431 882 549
Treasurer	Glen Colledge	colledgeyg@iinet.net.au or 0427 611 697
Ordinary members	Graham Roberts	graham_r100@hotmail.com or 0419 166 896
	Donna Nicholson	donnagp1@hotmail.com or 0422 214 688
	Brett Tippet	brett372@gmail.com or 0418 488 906
	Lee Tinley-Beets	leetinleybeets@yahoo.com.au
	Wendy Smart	wendy.smart@gmx.com.au

Principal Body
Corporate
Representative

Kenneth Law (Secretary)

Committee Email contactbaumeareserve@gmail.com

INFORMATION FOR LOT OWNERS

There are 2 local Facebook pages: Baumea Reserve Residents
Pacific Harbour Golf Residents & Members

Body Corporate Manager: U Body Corporate Management Pty Ltd, Director Siobhan Brittain
– Email: siobhan@u-bcm.com.au; website: www.u-bcm.com.au

Pacific Harbour Golf and Country Club - www.phgccc.com.au

Community Liaison Officer (CLO): Saige Ramadan 0447 811 262 or clo@phgccc.com.au

- **Website for Baumea Reserve Subsidiary Body Corporate**

Your committee now has “live” website, that is, <https://baumeareserve.com/>

Please visit.

Lot owners having any suggestions of content for this website, please contact the Secretary on above email address or via this website.

1. The Article below was compiled by a Lot Owner with considerable interest and passion in this and all body corporate matters.

FACTS & TRUTH - 01

MAKE INFORMED DECISIONS

NON- EXCLUSIVE LICENSE AGREEMENT

FACT: A Community Management Statement (CMS) can provide in Schedule ‘D’, for an arrangement or proposed arrangement to be entered into with Subsidiary Bodies Corporate for the use of **Common Property or Body Corporate Assets** for the Principal Scheme. BCCMA Qld 1997 (Standard Module), Regulation 2020 Section 6 – Permitted inclusions

FACT: A Body Corporate can **ACQUIRE** a licence or concession related to land for the use and enjoyment of the owners and occupiers of lots included in the scheme or **SURRENDER** a licence or concession related to land that was previously **ACQUIRED BY THE BODY CORPORATE AS AN ASSET OF THE BODY CORPORATE**. BCCMA 1997 (Standard Module) , Regulation 2020 Section 189 – Dealing with Body Corporate Assets

FACT: The Country Club Facilities (Gym, Pool, Spa, Steam room, Tennis Courts) **are NOT Common Property and are NOT an Asset** of the Principal Body Corporate or any of the Subsidiary Bodies Corporate at Pacific Harbour.

FACT: The compulsory \$8.80 weekly Body Corporate contribution only gets residents in the door of the Country Club facilities and nothing else. No longer having to pay that contribution would not in anyway, inhibit the ability of residents to access and use the bar, dining, function and other Club facilities, or play golf.

FACT: Clause 3.2 of the Non-Exclusive License Agreement says – The PGC Body Corporate acknowledges that this Agreement **does NOT** give the PGC Body Corporate or any resident or guest an Estate or Interest in Lot 805 or the Country Club Facilities. The rights, benefits and obligations of the Parties are contractual only and are regulated by this Agreement and the Country Club Rules

FACT: The Non-Exclusive License Agreement was introduced, entered into and signed off by the developer (Vercorp) and the Original Owner (Vercorp) Body Corporate in 2007. There were only a quorum of 2, (both developer representatives) at the 1st AGM of the Body Corporate in April 2007. So this Agreement is essentially an Agreement between Vercorp Pty Ltd and Vercorp Pty Ltd.

FACT: Independent legal advice/opinion provided by Stratify Legal indicates the Non-Exclusive License Agreement **falls outside the BCCMA Qld 1997 (Standard Module)** and **is NOT Regulated** and the BCCMA Qld 1997 (Standard Module) and the applicable Regulation.

FACT: On December 7th 2023, Mr David Young the developer representative to the Principal Body Corporate indicated in an email he had obtained legal advice on the Non-Exclusive License Agreement and that 'essentially the advice is that the substantive requirements of the Act (it is presumed the BCCMA) have been met for this to be a lawful contribution for the Services provided'. **However, despite numerous requests to provide this legal advice to the Body Corporate, he flatly refuses and indicates he will never provide it?**

FACT: Information provided in an email by the CLO in November 2022, indicated there is only about 40% to 45% of residents that had met with the CLO to organise access cards

2. REMINDER TO LOT OWNERS:

Should you have any matter you wish the committee to address, please forward the matter to the Secretary by email at contactbaumeareserve@gmail.com or pass on to any committee member who will present it at the next committee meeting.

As to any questions from this Bulletin, please direct your enquiries to the Secretary as above.