

## Prabha Nandagopal

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**From:** lynne shields <lynneshields@bigpond.com>  
**Sent:** Sunday, 10 July 2011 9:58 AM  
**To:** Prabha Nandagopal  
**Subject:** caloundra gardens retirement village age restriction

We, resident owners of units 64 and 65, Caloundra Gardens Retirement Village are in agreement with the process to CONFIRM that the complex's lawful age restriction in occupancy is in accord with the Racial Discrimination Legislation of 1991.

We wish to point out that since the inception of the complex in 1986 and the completion and sale of all units by 1991, it has functioned lawfully as an age restricted complex. The Human Rights Commission has ipso-facto recognised this since 1991.

It is only as a result of un-principled, deceitful and unauthorised actions by our Body Corporate Manager in 2007 that doubts have arisen about the legality of the age mandate that has operated since 1987.

The village's enforcement authority (on age occupancy) was encompassed in the sub-lease encumbrance on title for each unit, and when these encumbrances were removed in 2007, as a result of the unlawful, fraudulent and unconscionable conduct of the scheme operator, there remained a vacuum in the Caloundra Gardens Body Corporate capacity (and or willingness) to recognise the necessity for a remedy; that situation has remained unchanged for the past five years and requires urgent action to prevent further breaches of the age mandate.

We personally raised this matter some 18 months ago with our parliamentary representative (Mark McCardle) requesting him to make representations to you on this matter. To the best of our knowledge he has failed to meet our request.

To date there has been a total lack of assistance from any Queensland Government authority having responsibility for the efficient and effective administration of the body corporate legislation.

I, Alan Jorgensen as probably the best informed owner left in the village on matters relating to the past history of the complex, would be only too pleased to clarify in discussion with you any aspect that you wish to pursue. My telephone number is (07) 54914515.

We, together with the vast majority of the 75 owners seek your urgent and sympathetic consideration of the issues raised in this matter.

ALAN & BARBARA JORGENSEN  
UNIT 64

GEOFFREY SUMMERS  
UNIT 65

## Prabha Nandagopal

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**From:** Trevor Tinworth <olivermist@bigpond.com>  
**Sent:** Wednesday, 6 July 2011 4:17 PM  
**To:** Prabha Nandagopal  
**Subject:** over '50' "Caloundra Gardens Retirement Village"

Dear Prabha

My mother Jean Tinworth (DOB 8/12/1925) is of sound mind and has requested I communicate to you on her behalf as she does not own a computer.

"I am a resident owner of Unit 63, Caloundra Gardens, Beerburrum Street Battery Hill. I am in agreement with the proposal to retain this complex as an "over fifty" retirement village."

Thank you in anticipation of your acknowledgement of this email.

Trevor David Tinworth for Jean Alma Tinworth  
[Enduring Power of Attorney]

## Prabha Nandagopal

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**From:** lorrainezzz@dodo.com.au  
**Sent:** Monday, 4 July 2011 6:11 PM  
**To:** Prabha Nandagopal  
**Subject:** No Subject

I am a resident owner of unit 63 Caloundra Gardens. I am in agreement with the proposal to retain Caloundra Gardens Scheme as an over fifty retirement village.

Thank you in anticipation for your acknowledgement of this email.

Jean Tinworth per Lorraine Craske nee Tinworth 4th July 2011

Email sent using Dodo Webmail

## Prabha Nandagopal

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**From:** Terri Stannard <omastan@netspace.net.au>  
**Sent:** Thursday, 30 June 2011 4:26 PM  
**To:** Prabha Nandagopal  
**Subject:** Caloundra Gardens

Dear Ms. Prabha,

I am a resident/owner of unit 73, Caloundra Gardens.

Mr. Ted Jones ( resident/owner of unit 61 ) just called on me to ask if I could contact you and confirm that I am in agreement with the proposal to make this complex into an 'over fifty' retirement village.

He also asked me to include his agreement, as he himself does not own a computer.

In the case of several others who are not on line either, could I contact you this way and add them to the list of those agreeable to the proposal?

Looking forward to reading from you,  
with kind regards,

Terri Stannard.

## Prabha Nandagopal

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**From:** Andrew Sansome <spi7pl@yahoo.com.au>  
**Sent:** Sunday, 10 July 2011 3:35 PM  
**To:** Prabha Nandagopal  
**Subject:** Re Caloundra Gardens Unit Complex

To Whom it concerns,

On behalf of Sansome Property Investments who owns unit number 35 at Caloundra Village.  
Herewith is application for CGV to remain an over fifties complex.

Yours Truly

Andrew Sansome and the tennant Betty Green

Advised to send this above by the Comitee of the complex.

## Chris Rummery

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**From:** Michael Cross <MCross@gam.com.au>  
**Sent:** Sunday, 31 July 2011 9:28 AM  
**To:** Legal Mailbox  
**Subject:** Age Exemption - Caloundra Gardens Retirement Village

Hello

I have been approached by Mr Ted Jones, Chairman of Body Corporate Committee at Caloundra Gardens Village in regards to Case No. ADL 002-11 Application for Age Exemption and been asked to respond to the application either by signing a form developed by the committee or presenting my approval via letter or email.

I am a current owner occupier at Caloundra Gardens Retirement Village located at 96 Beerburrum Street Caloundra Queensland 4551, however I am under the age of 50. I am 38 and bought a unit 3.5 years ago and decided to live there on my own. I have no partner or children.

Understanding that present residents who are aged under 50 years may remain until **natural attrition**, I am happy with the Body Corporate's application having read the correspondence from Mr Jones to Mr Brent Stevenson, Human Rights Case Manager 03 dated 22 June 2011. I would like the exemption for present residents to be recorded in writing and will ask Mr Jones if this can be done. My acceptance to the application will be presented in print to Mr Jones in the form of this email.

Regards

**MICHAELCROSS**  
Unit 42 Caloundra Gardens  
Dated 31-07-2011

## Chris Rummery

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**From:** Beverley Hutton <billbe32@yahoo.com.au>  
**Sent:** Monday, 11 July 2011 6:21 PM  
**To:** Legal Mailbox  
**Subject:** Temporary Exemption Section 44 A D A

Re Application for the Temporary Exemption under A D A Section44.;Caloundra Gardens Retirement Village:

I, Valerie Maud Stevens the Owner of Unit 13 (at the above village ), Hereby agree with the said Application.

## Chris Rummery

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**From:** Beverley Hutton <billbe32@yahoo.com.au>  
**Sent:** Monday, 11 July 2011 6:33 PM  
**To:** Legal Mailbox  
**Subject:** re Caloundra Gardens Application for Exemption section 44 ada

I, Alma Joyce Barlow the owner of Unit 2 at Caloundra Gardens Retirement Village hereby agree with the application submitted by Ms Paula Collins re the age discrimination act 2004 .and the need of the replacement of age to be replaced at over 50 years, to be able to reside here.



## Chris Rummery

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**From:** Mark <mark@caloundracityrealty.com.au>  
**Sent:** Friday, 8 July 2011 11:29 AM  
**To:** Legal Mailbox  
**Subject:** Caloundra Gardens - Over 50's?

I am a 31 year old investor and currently own 3 units in the complex all of which are rented out. I have only and will only rent them to tenants over the age of 50. I feel it is important to keep the identity of the complex as one of mature age people who live together in a quiet and relaxing environment. This is the purpose of the complex and young families etc aren't in keeping with the overall nature of its purpose. I am all for the complex being made an over 50's retirement village and maybe look forward to living there one day.....after I turn 50.

Regards,  
Mark Deegan.  
0417 641 833

## Chris Rummery

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**From:** minka4@optusnet.com.au  
**Sent:** Thursday, 7 July 2011 3:36 PM  
**To:** Legal Mailbox  
**Subject:** Re: Temporary exemption under Section 44 of the ADA

Re: the application for the temporary exemption under Section 44. Caloundra Gardens Retirement Village.

I, Patience Laura Moore the owner of Unit 27, hereby agree with the said application.

## Chris Rummery

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**From:** Beverley Hutton <billbe32@yahoo.com.au>  
**Sent:** Thursday, 7 July 2011 2:38 PM  
**To:** Legal Mailbox  
**Subject:** Re Temporary Exemption Section 44 A D A.

Re the Application for Temporary exemption under ADA Section 44: Caloundra Gardens Retirement Village:

I, Beverley Dawn Hutton the Owner of Unit 32, Hereby agree with the said Application..

## Chris Rummery

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**From:** Kevin Jenner <kandsje@bigpond.com>  
**Sent:** Tuesday, 5 July 2011 1:05 PM  
**To:** Legal Mailbox  
**Subject:** Caloundra Gardens Village

Dear Ms. Prabha,

My wife and I are owners and residents in Unit 66, Caloundra Gardens Village.

We wish to advise that we are in agreement with the proposal to make this complex into an "Over Fifty Retirement Village".

Hope this helps to sort out the unpleasant atmosphere which has existed for some time.

Yours sincerely,

Kevin & Sandra Jenner

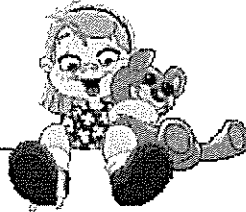
## Chris Rummery

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**From:** Les Nicholas <nicko21244@bigpond.com>  
**Sent:** Tuesday, 5 July 2011 11:47 AM  
**To:** Legal Mailbox  
**Subject:** over50.doc  
**Attachments:** grad.gif; image.gif; stampa\_girl\_line\_en.gif; over50.doc

Please find Document in reference to Application for exemption under ADA  
Section 44 Caloundra Gardens Retirement Village.  
For futhe input we Can be contacted at either 0754382076 or  
[nicko21244@bigpond.com](mailto:nicko21244@bigpond.com).

Regards Les & Val Nicholas



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L.A. & V.M. Nicholas  
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96 Beerburrum St  
Battery Hill  
4551  
Queensland

Ph 0754382076  
Mob 0439743200

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Dept Human Rights

## **Caloundra Gardens Retirement Village**

### **Application for Exemption Under ADA Section 44**

We Leslie Anthony and Valerie Mary Nicholas as owners of unit 67 at Caloundra Gardens wish to express that we would like the village to be as it was intended, for over 50s.

We believe this is necessary to live reasonable peaceful lives in our latter years.

This is what the Village was originally meant to be, but for the legalities in the past it was never properly registered as such.

We do believe that those under 50 living here at the moment should be allowed to stay until they either become of age or leave of there own wishes.