MINUTES OF THE ANNUAL GENERAL MEETING OF BODY CORPORATE S.90272 Seacrest Resort to be held at 10.30am on Saturday 18th May 2024 in the Poolroom, Seacrest Resort, 200 Papamoa Beach Road, Tauranga

Present: Marion Aitken (21), Ray Mushett (22), Tinka Mushett (22), Michael Elrick (16), Aileen Elrick (16), Celeste Henderson (31), Dora Bardell (19), Gini Rolleston (7), Denny Beddoes (7), Paul Grunwell (25), Shirley Mullholland (35), Pat Pamment (9), Jocelyn Byrne (28), Ian Motion (44) Leigh Motion (44), Anne O'Connell (32), Doug Slater (32), Don McInnes (1), Bernadette Campbell (13), Trevor Campbell (13), Val Mackenzie (45), Raewyn Stewart (40), Helen Davies (20), Dave Ross (33), Leanne Hallowes (33), Clare Tony (34) Mavis Fowke (8), Ray Fowke (8), Helen de Montalk (37), Dave Kerr (37), Carol Kirkbride (3), Avrill Grigg (2), Trevor Arthur (46) and Robyn Preston-Smith (The Body Corporate Chair (2019) Limited).

1. QUORUM

Resolved by Ordinary Resolution: A quorum of no less than 25% of owners present/registered shall be confirmed.

Mavis Fowke/Tinka Mushett
Carried

2. APOLOGIES

Resolved by Ordinary Resolution: Apologies shall be accepted from Heather & John Cullington (4), Tikus White (5), Raewyn Mills (38), Bev McInnes (1), Milly Hazelwood (41) and Wendy Rowe & Brent McNaul (5).

Mavis Fowke/ Michael Elrick
Carried

3. PROXIES

Resolved by Ordinary Resolution: Proxies shall be accepted.
Milly Hazelwood (41) appointed Helen de Montalk (37)
Tikus White (5) appointed Dora Bardell (19)

Mavis Fowke/Celeste Henderson
Carried

4. POSTAL VOTING FORMS

Resolved by Ordinary Resolution: Postal voting form was accepted from Milly Hazelwood (41) and Wendy Rowe & Brent McNaul (5).

Mavis Fowke/Aileen Elrick
Carried

5. MINUTES OF PREVIOUS MEETINGS

Resolved by Ordinary Resolution: The Minutes of the Annual General Meeting held on 13 May 2023 were recorded as a true and accurate record of that meeting.

Mavis Fowke/Trevor Arthur
Carried

Resolved by Ordinary Resolution: The Minutes of the Extraordinary General Meeting held on Tuesday 12th March were recorded as a true and accurate record of that meeting.

Mavis Fowke/Helen de Montalk
Carried

6. MATTERS ARISING

Painting of Barge Boards – on hold

7. BODY CORPORATE COMMITTEE REPORT

Resolved by Ordinary Resolution: That the Body Corporate Committee Report was received/accepted.

Mavis Fowke/Dora Bardell
Carried

8. BODY CORPORATE CHAIRPERSON (Automatically elected to Committee/Committee Chairperson)

Resolved by Ordinary Resolution: That Michael Elrick was appointed Body Corporate Chairperson until the next Annual General Meeting.

Ray Mushett)/Dora Bardell
Carried

9. DELEGATION OF POWERS AND DUTIES

Resolved by Special Resolution: **T**hat the Powers and Duties of the Body Corporate were delegated to the Body Corporate Committee pursuant to Section 108 of the Act and Regulation 11(2) except for the Powers and Duties of the Body Corporate set out in Section 108(2) of the Act, being:

1. subsection (1) (which is the general power of Delegation);
2. Section 41 (which provides for reassessment of ownership interests and utility interests);
3. Section 105(3) which requires the body corporate to comply with the body corporate operational Rules);
4. Section 136(4) (which relates to the application of insurance monies in or towards reinstatement of the development.

And

(a) A matter if the Act provides for the matter to be decided by the body corporate by special resolution.

Mavis Fowke/Celeste Henderson
Carried

10. BODY CORPORATE COMMITTEE

Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 has seen a number of changes to the way in which bodies corporate operate and established a number of new and robust requirements of owners, committee and managers.

Committee members are required to adhere to a Code of Conduct and also to declare and potential conflicts of interests (as is the Body Corporate Administration Manager).

The elected Chairperson of the body corporate is now automatically appointed as a committee member and committee chairperson.

Committee Code of Conduct

Schedule 1ACode of conduct for body corporate committee members r 28A

1 Commitment to acquiring understanding of Act, including this code

A member must have a commitment to acquiring an understanding of anything in this Act and the regulations, including this code of conduct, that is relevant to the member's role on the committee.

2 Honesty, fairness, and confidentiality

(1) A member must act honestly and fairly in performing the member's duties as a committee member.

(2) A member must not unfairly or unreasonably disclose information held by the body corporate, including information about an owner of a unit, unless authorised or required to do so by law.

3 Acting in body corporate's best interests

	A member must act in the best interests of the body corporate in performing the member's duties as a committee member, unless it is unlawful to do so.
4	Complying with Act and this code
	A member must comply with the Act, these regulations, including this code, and any other applicable legislation relating to matters for which the committee has responsibility in performing the member's duties as a committee member.
5	Conflict of interest
	A committee member who is eligible to vote must disclose to the committee any conflict of interest the member may have in a matter before the committee.

(1) Resolved by Ordinary Resolution: That the number of Committee members was determined as 7.

Michael Elrick /Ginni Rolleston
Carried

(2) Resolved by Ordinary Resolution: That Milly Hazelwood (41), Helen de Montalk (37), Mavis Fowke (8), Michael Elrick (16), Don McInnes (1), Trevor Arthur (46) and Leanne Hallowes (33) were elected as the body corporate committee until the next Annual General Meeting.

Mavis Fowke/Anne O'Connell
Carried

(3) Resolved by Ordinary Resolution: That the Committee quorum shall be 5.

Mavis Fowke/Shirley Mulholland
Carried

11. FINANCIAL REPORT

Resolved by Ordinary Resolution: That the Financial Report to 31st March 2024 prepared by M2 Accounts were adopted**.**

Mavis Fowke/Aileen Elrick
Carried

Resolved by Special Resolution: That the Financial Report to 31st March 2024 prepared by M2 Accounts shall not be audited.

Dave Kerr/Mavis Fowke
Carried

12. BODY CORPORATE COMMITTEE EXPENDITURE

Resolved by Ordinary Resolution: That the Body Corporate Committee may spend up to $2,000.00 for any one off cost relating to Unit Titles Act 2010 Regulatory requirement or repairs and maintenance of an urgent nature. Such expenditure shall be reported to the body corporate immediately after the cost has been incurred.

Ian Motion/Don McInnes
Carried

13. BODY CORPORATE MANAGER

Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022 has required all current administration contracts to be cancelled and new contracts entered into having regard for the various obligations of a Body Corporate Administration Manager. The role of the Administration Manager has been reintroduced to the Unit Titles Act in 2022, stipulates a code of conduct and requires disclosure of any potential conflict of interest in the same manner as the committee.

Resolution Proposed: That the Body Corporate Chair (2019) Limited is appointed as Body Corporate Manager (requirement under Unit Titles Act (2010) Amendments 2022) on the terms and conditions as set out in the attached Body Corporate Management Contract.

Mavis Fowke/Trevor Arthur
Carried

14. BUDGET

The Annual Budget has been increased to allow for increased costs resulting from cpi increases, EQC levies and general inflation to $207,000.00. The increase to body corporate fees will be $25.00 per month per unit.

Note, on forecast budget, body corporate levies were to be increased to $380 per unit per month, however there may be some cost savings made during the year and this will be reviewed at the beginning of 2025.

Resolution Proposed: That the 2024/2025 Budget shall be adopted and that Body Corporate levies shall be increased to $4,500.00 per annum ($375.00 per month over 12 months) effective 1st April 2024.

Mavis Fowke/Don McInnes
Carried

Expenses			
204 Fire Protection		-$	80.00
270 Pool Expenses		-$	2,196.00
271 Electricity Sewage		-$	450.00
300 Accountancy		-$	900.00
352 Electricity Pavilion		-$	2,000.00
381 Insurance		-$	1,300.00
414 Printing,		-$	500.00
428 Repairs and		-$	6,500.00
557 Management Fee		-$	56,497.00
558 Telephone & Tolls		-$	1,044.00
560 Gas		-$	2,000.00
562 Rates (Water)		-$	16,500.00
564 Body Corporate		-$	10,580.00
569 Grass/Rubbish		-$	2,608.00
570 Gardening		-$	390.00
573 Clubrooms		-$	200.00
576 Legal Expenses		-$	435.00
583 Insurance		-$	49,500.00
740 Sinking Fund		-$	28,000.00
Total Expenses		-$	181,680.00
Plus GST		-$	27,252.00
		$	208,932.00

15. PAYMENT OF BODY CORPORATE LEVIES

Resolution Proposed: That Body Corporate levies are payable monthly in advance in the sum of $375.00 and paid in full by 31st March 2025.

Mavis Fowke/Helen Davies
Carried

If you have a current automatic payment please arrange to change your automatic payment authority from 1st June 2024 to $375.00 per month and make a one off payment of $50.00 to cover the shortfall for April & May. Please reference your name and unit number. If you need assistance, please speak to a committee member or contact the Body Corporate Manager on 021 901744 or email robyn@bcc.co.nz

16. HEALTH & SAFETY

No new hazards identified.

Resolved by Ordinary Resolution: That the Health & Safety Plan shall be reviewed prior to the next Annual General Meeting.

17. 30 YEAR LONG TERM MAINTENANCE PLAN & FUND

Changes to the Unit Titles Act 2010 require bodies corporate with over 10 units to have a 30 year long term maintenance plan. This plan was due to be in place by 9th May 2024.

157C Additional requirements regarding long-term maintenance plans

(1) The body corporate of a large unit title development must comply with all the requirements of this section.

(2) The long-term maintenance plan for the body corporate must—

(a) ***cover a period of at least 30 years from the date of the plan or the last review of the plan; and***

(b) ***comply with the requirements and include the matters prescribed by regulations.***

(3) Regulations may prescribe different requirements and matters to be included in a long-term maintenance plan for different parts of the period described in subsection (2)(a).

(4) The long-term maintenance plan for the body corporate must be reviewed in accordance with this section every 3 years.

(5) However, if the body corporate becomes aware of any matter that may have a material impact on the long-term maintenance plan, it must review the plan in accordance with this section as soon as practicable (and the date on which the review is conducted becomes the start date from which the next review cycle is calculated).

(6) The body corporate must, unless it decides by special resolution not to do so, consult with the building professional or professionals, or other suitably qualified professional or professionals, it considers necessary or appropriate—

(a) ***when it develops the long-term maintenance plan; and***

(b) ***when it reviews the plan.***

Resolution Proposed: That the Body Corporate shall accept the proposal by Prendos Limited (attached) to prepare a 30 Year Long Term Maintenance Plan.

Resolution not put

Subsequent quotes had been received from Pinnacle Group and Cove Kinloch. Prices varied from $5,000 to $8,500 plus GST.

The Committee had initially accepted and recommended acceptance of Watershed Limited quote, however the untimely death of the owner of Watershed saw a pause on this. Committee to discuss.

Resolution Proposed That the cost of the 30 Year Long Term Maintenance Plan, being $4,500.00 plus GST shall be met by funds held at bank.

Resolution Not put – Amended below

Resolved by Ordinary Resolution to amend the cost of the long term maintenance plan from $4,500.00 plus GST to $5,500.00 plus GST.

Don McInnes/Dave Ross
Carried

Resolved by Ordinary Resolution: That the cost of the 30 Year Long Term Maintenance Plan, being $5,500.00 plus GST shall be met by funds held at bank.

Don McInnes/Dave Ross
Carried

18. LONG TERM MAINTENANCE FUND

Special Resolution Proposed: That the Body Corporate shall not collect the annual amount specified in the long term maintenance plan but shall continue to collect funds for long term maintenance at a sum to be decided at each Annual General Meeting.

Dave Ross/Dave Kerr
Carried

19. PAINTING CONTRACT

Following acceptance of The Programmed Property Services quote, their representative advises that the job had been underquoted due to the significant amount of repair work/replacement work required in relation to the barge boards. PPS estimated 80% required replacing and further advised that the quote could not be honoured even if the body corporate carried out any necessary works prior to painting. This was because a different method of preparation was required for new timber.

Since this time, the body corporate committee has arranged to have barge boards inspected (cost to owner requesting inspection – 20 confirmed to date) with a report on state of barge boards and recommendations for repair or replacement.

Resolved by Ordinary Resolution: That the Resolution passed at the EGM held on 12th March 2024 accepting Programmed Property Services quote of $34,650.00 excluding GST be rescinded.

Dave Ross/Dave Kerr
Carried

Resolved by Ordinary Resolution: Programmed Property Services Limited will be informed that the body corporate has accepted that PPS cannot fulfil their obligations under the Contract and therefore agrees to allow the contract to come to an end.

Helen de Montalk/Trevor Arthur
Carried

21. GENERAL BUSINESS

Potential new manager

Body Corporate on-site Manager Trevor Arthur is looking to sell his unit and the management contract. An enquiry has been received from an interested party asking the following questions.

Can he put a trampoline in the common area where the boat sits	- H&S concerns
Can the family bring their 2 cats	- no
Can he park his company signwritten vehicle on Unit 46 property	- majority agreed yes

Robyn Preston-Smith will advise via sale agent.

Road

Dave Ross noted concerns regarding the recently resealed body corporate road. Committee will inspect and advise. Note: Committee investigated following the AGM and found the issue to be sand so no further action required.

Parking at Rear of Complex on common property

Tinka Mushett presented a quote to the body corporate (approx.. $1,000.00) to have plastic grid laid on the grass to allow for temporary carparking. Committee will investigate and report back to owners.

Meeting closed at 12.30pm