NOTICE 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

AGENDA

1. QUORUM

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

2. APOLOGIES

Resolution Proposed: Apologies shall be accepted.

3. PROXIES

Resolution Proposed: Proxies shall be accepted.

4. POSTAL VOTING FORMS

Resolution Proposed: Postal voting forms shall be accepted.

5. MINUTES OF PREVIOUS MEETINGS

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

Resolution proposed: The Minutes of the Extraordinary General Meeting held on Tuesday 12th March 2024 were recorded as a true and accurate record of that meeting.

6. MATTERS ARISING

7. BODY CORPORATE COMMITTEE REPORT

Resolution Proposed: That the Body Corporate Annual Report is received and accepted into record.

8. BODY CORPORATE CHAIRPERSON

Resolution Proposed: That the elected owner shall be appointed as Body Corporate Chairperson until the next Annual General Meeting.

Voting Papers can be found on Page 14.

Nominations Received for:

- Leanne Hallowes (Unit 33)
- Michael Elrick (Unit 16)

Note : The elected Body Corporate Chairperson is automatically appointed Committee Member and Committee Chairperson.

9. DELEGATION OF POWERS AND DUTIES

Special Resolution Proposed: That the Powers and Duties of the Body Corporate shall be 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.

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.

9 Unit owners have been nominated for committee positions and therefor a vote will be held. Voting papers can be found on Page 14.

(1) Resolution Proposed: That the number of Committee members shall be determined as 7.

(2) Resolution Proposed: That the seven (7) elected members shall be form the body corporate committee until the next Annual General Meeting. (Voting form attached)

Nominations Received for: Milly Hazelwood (41), Helen de Montalk (37), Mavis Fowke (8), Michael Elrick (16), Tinka Mushett (22), Don McInnes (1), Trevor Arthur (46), Brian Tonna (18) and Leanne Hallowes (33).

(3) Resolution Proposed: That the Committee quorum shall be 5.

11. FINANCIAL REPORT

Resolution Proposed: That the Financial Report to 31st March 2024 prepared by M2 Accounts shall be adopted**.**

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

12. BODY CORPORATE COMMITTEE EXPENDITURE

Resolution Proposed: That the Body Corporate Committee may spend up to $2,000.00 for any one unbudgeted R&M item deemed necessary in relation to common property maintenance.

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.

14GDefinition of body corporate manager

(1) In this Act, **body corporate manager** means a person who is employed or engaged by a body corporate (whether itself or through its body corporate committee) to provide (or manage the provision of) 1 or more of the services specified in subsection (2).

(2) The services are as follows:
- (a) record-keeping and other administrative services:
- (b) financial services, including the handling of money belonging to the body corporate or members of the body corporate:
- (c) regulatory compliance services, including—
  - (i)the making or preparing of statutory disclosures; and
  - (ii)regulatory compliance services performed on behalf of the body corporate (including the body corporate committee and the body corporate chairperson).

114HFunctions and duties of body corporate manager

(1) A body corporate manager must exercise or perform the functions and duties—
- (a) that the body corporate may lawfully authorise the body corporate manager to exercise or perform; and
- (b) that are specified in a written agreement setting out the manager's terms of employment/engagement.

(2) The agreement must also provide for any matter prescribed by the regulations.

(3) Subsection (4) applies if a body corporate intends to employ or engage a body corporate manager that is the owner of a principal unit within the unit title development.

(4) The person or a proxy for the person is not entitled to vote on any resolution relating to the person's employment or engagement as the manager.

114IConflicts of interest of body corporate managers

(1) A body corporate manager must, as soon as practicable after becoming aware of any conflict of interest, disclose it to the body corporate committee or, if there is no committee, to the body corporate chairperson, and the body corporate must decide whether, and on what terms, the manager may continue to act in the matter concerned.

(2) To avoid doubt, if a person is engaged as a body corporate manager by more than 1 body corporate,—
(a) the manager must act independently in relation to each body corporate; and
(b) all matters for which the manager is responsible in relation to each body corporate must be independently satisfied; and
(c) the manager must not intermix the funds, records, or any other things of any of the body corporates with those of 1 or more of the other body corporates.

(3) For the purposes of determining whether there is a conflict of interest in relation to a matter, section 114C(3) to (5) applies—
(a) as if a reference to a body corporate committee were a reference to a body corporate manager; and
(b) with any other necessary modifications.

(4) The body corporate committee or the chairperson of a body corporate must keep a separate register of disclosures made by its body corporate managers (an interests register).

(5) The register must be available for inspection—
(a) by members of the body corporate committee (if any); and
(b) if the operational rules of the body corporate allow, by any other members of the body corporate or any other person to the extent that the rules provide.

114JBody corporate manager to comply with code of conduct

A body corporate manager must comply with the code of conduct for body corporate managers prescribed in the regulations.

<u>Resolution Proposed</u>: 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.

<u>14. BUDGET</u>

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.

<u>Resolution Proposed:</u> 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.

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.

If you have a current automatic payment please do the following:
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.

17. HEALTH & SAFETY

Any new hazards identified?

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

18. 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 is to be in place by 9th May 2024. The committee has reviewed proposals from Watershed Limited and Prendos New Zealand Limited and now recommend the body corporate accept the Prendos proposal (attached).

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 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.

19. 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.

20. PAINTING CONTRACT

Resolution Proposed: 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.

Resolution Proposed: 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.

21. GENERAL BUSINESS

important Information

1. *Resolution*
   Majority of persons present and eligible to vote
2. *Special Resolution*
   75% of persons present and eligible to vote
3. *Body Corporate Levies (Fees)*
   An owner must be fully paid up to 31st March 2024 to be eligible to vote
4. *Procedure if No Quorum*
   No Business may be transacted unless a Quorum
   The persons entitled to exercise the voting power in respect of at least 25% of the Principal Units or their proxies constitute a quorum
5. *Voting by Proxy*
   Voting by Proxy is permitted.

A proxy form is attached. This proxy will expire at the completion of this Annual General Meeting. A proxy form must be delivered prior to the commencement of the Annual General Meeting, or at the latest prior to the first vote for which that proxy is appointed.

6. *Voting by Postal Vote*

   An eligible voter or his or her proxy may exercise the right to vote at a body corporate meeting by casting a postal vote on the attached form. This postal vote must be sent to the Chairperson of the Body Corporate or other person authorised by the Chairperson to receive and count postal votes.

Resumes – Chairperson and Committee nominees.

The following resumes have been received from nominees.

Leanne Hallowes

Hi everyone. I am Leanne Hallowes and have lived in Unit 33 for the past 8 years. I currently work for Fonterra as a Business Development Manager, supporting our large network of Anchor Franchisees throughout the central North Island.

Over the past years I have successfully owned and operated my own businesses, with 2 being start-up companies. Probably one of the more well know companies was Phoenix Motorhomes, which I started with my ex hubbie and employed 18 full time staff, designing and building luxury motorhomes throughout NZ.

In addition to this, I have my Diploma in Health and Safety Management and am a qualified Neuro Change Practitioner (mind stuff), as well as gaining many other achievements and experiences along the way.

I would love to see the elected committee working together to create the best possible outcomes for all residents here at Seacrest, in a consultative, thorough approach, keeping open, clear lines of communication to all parties concerned and if selected, would do my best to uphold this.

Mavis Fowke

My name is Mavis Fowke, residing at Villa 8, Seacrest Resort.

I have allowed my name to be put forward for the Seacrest Body Corporate Elections
to serve again as a committee person. This year I am retiring from the position of BC Chairperson and have pleasure in nominating Micheal Elrick for the position of Body Corporate Chairperson.

My husband Ray and I purchased our Seacrest Villa some months prior to the development of the land and completion of the resort and were the first occupants in March 2001, initially for weekends and holidays, then because of our enjoyment of the location and complex, on a permanent basis in retirement in 2004. We have both previously been involved in the Seacrest Resort Body Corporate and just as importantly the social aspect of the Resort.

During my paid working life my occupational positions, including managerial, were mainly in the service industry where I worked with and had contact with wonderful people from many walks of life. I continue to volunteer in community organisations and have held many positions including future planning and working within budgets, a particularly important aspect of continuing to make Seacrest resort a great place to invest in, and for residents of all ages to live. I seek your support in my nomination for the Body Corporate Committee.

Milly Hazelwood

I have been a resident in Seacrest for 3 1/2 years, thoroughly enjoying being part of the safe, friendly community.
My husband and I ran a business in Tauranga for a number of years, along with our two sons.
I also worked in various medical administration roles, both in general practice and also specialist rooms for around 35 years. I look forward to spending many more years in Seacrest and the ongoing improvement of the complex.

Michael Elrick

I’m Michael, and as you can tell from my accent, originally from Scotland but I've lived in NZ since 1999 when I came to save NZ from the Y2K bug. Luckily no planes fell out of the sky.

My wife, Aileen, and I have I’ve owned Unit #16 at Seacrest for the past 3½years and love it here. It’s a great mix of safe community living where you can participate in events, or not, and help one another. It’s such a great feeling of community, even walking to the shop means stopping and nattering with many on the way.

My career and hobby have always been in Information Technology (IT), and I’ve led many very technical IT teams to success over the years. Prior to retiring I held the post of senior cyber security technologist at Wintec, and prior to that team leader of the mobile configuration team at Spark (looking after cell towers etc). This means I’m very well versed in dealing with people, committees and processes, some of the skills required of a chairperson.

Other than computers, my other obsessions are photography, travel and my daily 10k steps walk. You’ll probably have seen some of my photos of social events on the pavilion notice board and photo album.

Helen de Montalk

I am Helen de Montalk and I have been on the Seacrest Body Corp Committee for the past 2 years. I am prepared to stand again this year.

I have had a varied working background from farming, owning my own business to positions in administration, all people orientated. Prior to retirement I was the Area Administration Leader for the RNZ Plunket Soc for the wider Bay of Plenty/Lakes area

Tasks and responsibilities included:

Maintenance and annual safety audits of the 15 clinics and the equipment, managing the car fleets, staff movements of clinical staff and staff employed under associated contracts. I managed my own team of 8 administrators across the area and worked along side with the Volunteer arm of the organisation.

I am a retired Justice of the Peace.

- I want to be part of a great team with a positive outlook to the future.
- I want to see the Seacrest Body Corp Rules revisited and move forward with changes where needed for the benefit of our community.
- I want to make sure issues arising during the coming year are discussed fully and the outcomes to be acknowledged in writing to those concerned.
- I want to make sure all voices are heard.
- We are all Body Corp members. The committee is to represent you all.
- I am prepared to speak up for others.

PROXY APPOINTMENT FORM

Section 102(3), Unit Titles Act 2010

To The Proprietors

Unit Plan 90272

Body Corporate Number 90272

Proxy appointment

I ………………………………………………………………. being the owner/owners of Principal Unit ………………………………….. and therefore, an eligible voter within the meaning of section 96(1) of the Unit Titles Act 2010, appoint ……………………………………………………………………….. as my/our* proxy for the purpose of the annual general meeting of the body corporate to be held at 10.30am on Saturday 18th May 2024.

If the general meeting is adjourned and reconvened, this proxy appointment is valid for the purpose of the reconvened meeting.

Date:……………………………………………………………………………………………

Signature of eligible voter: …………………………………………………………….

Notes

1. This proxy appointment expires at the end of the general meeting referred to in the form or, if that meeting is adjourned, the end of the reconvened meeting.
2. The full text of motions is contained in the notice of general meeting, a copy of which should be provided to the proxy.
3. Your proxy may not vote unless all body corporate levies, and other amounts that are owing in respect of your unit, have been paid to 31st March 2024
4. If the unit owner is a body corporate or an unincorporated body, the representative (recorded in the register of unit owners) of the unit owner must sign the form.
5. If the unit is owned by more than 1 person, every owner must sign the form.
6. If the unit is owned by more than 1 person, one of the unit owners may be appointed as proxy.

POSTAL VOTING FORM

Section 103, Unit Titles Act 2010

To The Proprietor

Unit Plan 90272

Body Corporate Number 90272

Instructions

You are entitled to vote at the body corporate meeting to be held at 10.30am on Saturday 18th May 2024 by casting a postal vote. The motions to be decided at the meeting are summarised in the table attached and are particularly set out in the notice of meeting. If you intend to cast a postal vote, you must indicate your vote in the final column of the table and return the form to Robyn Preston-Smith, The Body Corporate Chair Limited, 42 Bruntwood Drive RD2 Tauranga 3172 or email robyn@bcc.co.nz so that it is received by 10.30am on Saturday 18th May 2024.

I………………………………………………………………………………………… being the owner/owners of Principal Unit ……………………, Seacrest Resort Body Corporate, therefore an eligible voter within the meaning of section 96(1) of the Unit Titles Act 2010, intend to cast the following postal vote(s) at the meeting of the body corporate to be held at 10.30am on Saturday 18th May 2024.

O	**<u>MINUTES OF MEETINGS</u>** **<u>Resolution proposed</u>:** The Minutes of the Annual General Meeting held on 13th May 2023 were recorded as a true and accurate record of that meeting.	YES	NO
O	**<u>Resolution proposed</u>:** The Minutes of the Extraordinary General Meeting held on Tuesday 12th March 2024 were recorded as a true and accurate record of that meeting.	YES	NO
O	**BODY CORPORATE CHAIRPERSON** **<u>Resolution Proposed</u>:** That the elected owner shall be appointed as Body Corporate Chairperson until the next Annual General Meeting	YES	NO
S	**<u>DELEGATION OF POWERS AND DUTIES</u>** **<u>Special Resolution Proposed:</u>** **T**hat the Powers and Duties of the Body Corporate shall be 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.	YES	NO
O	**<u>BODY CORPORATE COMMITTEE</u>** **<u>Resolution proposed:</u>** **T**hat the number of Committee members shall be 7.	YES	NO

O	**Resolution Proposed:** That the seven (7) elected members shall be form the body corporate committee until the next Annual General Meeting.	YES	NO
O	**Resolution Proposed:** **T**hat the Committee quorum shall be 5.	YES	NO
O	**FINANCIAL REPORT** **Resolution Proposed:** That the Financial Report to 31st March 2024 prepared by M2 Accounts shall be adopted	YES	NO
S	**Special Resolution Proposed:** That the Financial Report to 31st March 2024 prepared by M2 Accounts is not required to be audited.	YES	NO
O	**COMMITTEE EXPENDITURE** **Resolution Proposed:** That the Body Corporate Committee may spend up to $2,000.00 for any one unbudgeted R&M item deemed necessary in relation to common property maintenance.	YES	NO
O	**BODY CORPORATE ADMINISTRATION MANAGER** **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.	YES	NO
O	**BUDGET** **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.	YES	NO
O	**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.	YES	NO
O	**SOCIAL CLUB REPORT & Financial Report** **Resolution Proposed:** That the Social Club Committee Reports shall be accepted.	YES	NO

O	**HEALTH & SAFETY** **Resolution Proposed:** That the Health & Safety Plan shall be reviewed prior to the next Annual General Meeting	YES	NO
O O	**LONG TERM MAINTENANCE 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 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.	YES YES	NO NO
S	**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.	YES	NO
O	**PAINTING CONTRACT** **Resolution Proposed:** 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.	YES	NO
O	**Resolution Proposed**: 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.	YES	NO

BODY CORPORATE CHAIRPERSON VOTING FORM – PLEASE TICK ONE

UNIT	NAME	TICK FOR YES
16	Michael Elrick	
33	Leanne Hallowes	

Please bring this form with you to the meeting or return with your postal voting form

……….

COMMITTEE VOTING FORM – PLEASE TICK **UP TO** SEVEN MEMBERS

UNIT	NAME	TICK FOR YES
16	Michael Elrick	
33	Leanne Hallowes	
8	Mavis Fowke	
18	Brian Tonna	
37	Helen de Montalk	
22	Tinka Mushett	
1	Don McInnes	
46	Trevor Arthur	
41	Milly Hazelwood	

Please bring this form with you to the meeting or return with your postal voting form