

24 November 2023

NZ Body Corporate Limited

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Administration to the body corporate



Sunridge Estate Body Corporate S62811

674 Ranginui Rd, RD 5, Tauranga

Draft Minutes of the Annual General Meeting

Held on the 24 November 2023 In Person/Via Zoom - NZBCL – Suite 5, 327 Matakokiri Drive, Tauriko, Tauranga 3170

Dear Sunridge Estate Body Corporate Owners.

Please find enclosed the draft minutes and following attachments pertaining to your Body Corporate's Annual General Meeting, along with your Body Corporates Annual Ratified Budget and Levy Apportionment Schedule.

You are receiving this email as your preferred method of contact as noted on the Owners Register. Your Levy invoice will follow in an additional email.

Should you require any additional information or documents, these can be requested via e-mail or post. For any associated postage, a postage and manual processing charge may apply.

You are welcome to contact our office during working hours should you have any request or query, and we will happily assist you where possible.

Our preferred contact method is via email to assist with clarity – info@nzbodycorp.co.nz

PRESENT:

Owners Present in Person: Ken Scott (2), John & Toni Henderson (4), Robbie & Rosaleen Shaw (6), Graham Divehall (11), Owen Palmer (13), Kathleen Cranch (14), Derek & Heather Stemberge (18), Kevin Carmichael (19).

Owners Present via Zoom: (Nil)

Proxies Received: Michael Warren (5) **in favour of** Robbie Shaw (6)

Postal Votes Received: (Nil)

Apologies: Susan Divehall (11), Peter & Gay Barretta (17), Katrina Carmichael (19), Mike Warren (5), Shirley Miller (3), Maureen Kinchant (16).

BC Administration Present: NZBCL- Tony Brindle Administration Manager to the Body Corporate

AGENDA & MOTIONS

1.0 WELCOME FROM THE CHAIRPERSON & QUORUM REQUIREMENTS:

All present were welcomed to the AGM by the BC Administration. It was confirmed that 25% of the principal units and their proxies were present, which constituted a quorum.

2.0 APPOINTMENT OF THE MEETING CHAIRPERSON (req11 (1c); (Ordinary Resolution)

Duties of meeting chairperson - to chair each general meeting (unless it is agreed at the start of a general meeting that another person will chair that meeting)

"That Tony Brindle - NZBCL be appointed to Chair the Annual General Meeting".

Moved: Owen Palmer (13)

Seconded: Derek Stemberge (18)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19.

3.0 HOUSE KEEPING: (Completed & Accepted) (No Motion Required)

4.0 CONFLICTS REGISTER: (No Motion)- (No Conflicts Recorded).

- 5.0 APOLOGIES, PROXY, AND POSTAL VOTES:** (Ordinary Resolution)
"That the apologies, proxies and postal votes received be accepted".

Moved: Owen Palmer (13) **Seconded:** Kathleen Cranch (14) **Carried Unanimously**
For: 2,4,5,6,11,13,14,18,19.

- 6.0 MINUTES OF PREVIOUS AGM MEETING:** (Ordinary Resolution)-(Attached)
*"That the minutes of the Annual General Meeting held **25 November 2022** be approved and adopted as a true and correct record of that meeting".*

Moved: John Henderson (4) **Seconded:** Graham Divehall (11) **Carried Unanimously**
For: 2,4,5,6,11,13,14,18,19

- 7.0 RECEIVING OF THE ANNUAL CHAIRPERSON/COMMITTEE REPORT:** (Ordinary Resolution)
The Chairperson has completed all its powers and duties in accordance with Section 108 (1) of the Unit Titles Act 2010 and those items outlined in Section 108 (2) (a) - (d), along with the Regulations 11(1) (a) - (m). and that 'NZ Body Corporate Limited' are contracted to provide the administrative support to the Chairperson as required.
"That the body corporate chairperson/committees report be accepted"

Moved: Derek Stembridge (18) **Seconded:** John Henderson (4) **Carried Unanimously**
For: 2,4,5,6,11,13,14,18,19

- 8.0 ELECTION OF A BODY CORPORATE CHAIRPERSON:** (Ordinary Resolution)
*At the Annual General Meeting, the body corporate **must** nominate and elect a chairperson in accordance with s89(2) of the UTA Act 2010 and (reg10) of the Regulations 2011 by Ordinary Resolution. A candidate for election as Chairperson must be nominated by another unit owner in the unit title development and consent to the nomination.*

Proposed: Derek Stembridge (18) **Nominated by:** John Henderson (4)

*"That **Derek Stembridge (18)** be appointed as Chairperson of the Body Corporate under Regulation 10, as of the date of this resolution until the next AGM".*

Moved: John Henderson (4) **Seconded:** Kathleen Cranch (14) **Carried Unanimously**
For: 2,4,5,6,11,13,14,19. **Abstained** (18)

- 9.0 FORMATION OF THE COMMITTEE & QUORUM:** (s112) – (Ordinary Resolution)
s112(2) - A Body Corporate of a large unit title development must form a body corporate committee unless the body corporate, by special resolution, decides not to form a body corporate committee.
s112A - (1a&b) - The Chairperson of a Body Corporate is, **(a)** a member of its Body corporate Committee; and **(b)** the Chairperson of the Body Corporate Committee, **or, (2)** Subsection (1)(b) applies unless, at its annual general meeting, the body corporate decides by ordinary resolution that the chairperson of the committee should instead be a person that is elected to the committee (by the process prescribed in the regulations)

*"That by Ordinary Resolution; the Body Corporate will form a committee comprising of those Unit Owners listed, **Maximum Seven (7), Minimum Five (5)** members and a Quorum will be no less than **Three (3)**"*

Moved: Owen Palmer (13) **Seconded:** Kevin Carmichael (19) **Carried Unanimously**
For: 2,4,5,6,11,13,14,18,19

And - those nominated for election to the Committee are:

Name	Unit	Name	Unit
Ken Scott	(2)	John Henderson	(4)
Owen Palmer	(13)	Kathy Cranch	(14)
Derek Stembridge	(18)	Kevin Carmichael	(19)

"That the named nominees be declared elected as the Committee in accordance with the provisions of Section 112(2) of the Unit Titles Act 2010, and Regulations 22 and 24 in the Unit Titles Regulations 2011 until the next held AGM of the Body Corporate".

Moved: Owen Palmer (13) **Seconded:** Kevin Carmichael (19) **Carried Unanimously**
For: 2,4,5,6,11,13,14,18,19

10.0 **DELEGATION OF THE BODY CORPORATE DUTIES AND POWERS s108(1), reg11(a-m) (Special Resolution)**

“That the body corporate delegates to the Committee:

*pursuant to s108(1) & s109 of the Unit Titles Act 2010 until the end of the next annual general meeting of the Body Corporate all of its powers and duties are delegated to the Committee, save those powers reserved to the Body Corporate under s108(2); provided that in accordance with (s110), no delegation affects or prevents the performance of any duty or exercise of any power by the Body Corporate, or effects the responsibility of the body corporate for the actions of the body corporate committee acting under the delegation, **and** that this resolution is evidence of the Committee's authority to perform the powers and duties so delegated to it; and serves as notice of delegation; that the Chairperson's duties as set out in Regulation 11 – (1)(a – m) along with all other Body Corporate Chairperson powers and duties conferred elsewhere by the Unit Titles Act 2010 and Unit Titles Regulations 2011, are delegated to the Committee; and that the Committee will report to the Body Corporate on an annual basis (or more often as the Committee deems necessary) regarding its performance of these powers and duties, and that the delegation does not enable the Committee to rescind or override resolutions and directives passed at a general meeting, nor act in contradiction to any restrictions (financial or otherwise) placed on the Committee either contained within the Body Corporate Operational Rules or passed at a general meeting”*

Moved: Owen Palmer (13)

Seconded: John Henderson (4)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19

11.0 **CONFIRMATION OF THE FINANCIAL POSITION: (Ordinary Resolution) (Attached)**

“That the financial Position for the period ending 30 September 2023 as presented by NZ Body Corporate Limited – via the BC Xero accounting be approved”.

Moved: Graham Divehall (11)

Seconded: Owen Palmer (13)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19

11.1 Graham Divehall (11) questioned the H&S amount – **NZBCL** - this was for the purchase of the Defib.

12.0 **AUDIT/REVIEW/VERIFICATION - (Special Resolution)**

“That in accordance with Section 132(8) of the Unit Titles Act 2010 no audit, review or verification is required on the financial statements for the period ended 30 September 2023.”

Moved: Owen Palmer (13)

Seconded: Kathleen Cranch (14)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19

13.0 **PROPOSED DRAFT OPERATING BUDGET for year ending 30 September 2024 (Ordinary Resolution) - (Attached)**

“That in accordance with (s121) of the Unit Titles Act 2010, for the year ending 30 September 2024, that the Operating Fund budget, set at \$65,398.64 inclusive of GST, is to be raised by equal apportionment and payable, in One (1) lump payment 28 days after the date of the invoice Dated 1 December 2023 - being 29 December 2023, **OR**, **By four (4) instalments per annum** (1 December 2023, 1 February 2024, 1 May 2024, 1 August 2024), with the date payable being 28 days after the date of that invoice, **and**, that the chair/committee are authorised under Regulation 17 of the Unit Titles Regulation 2011, to enter into all necessary obligations to give effect to all expenditure provided for within the budget.

Moved: John Henderson (4)

Seconded: Derek Stembridge (18)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19

13.1 **BC Administration Managers Note:**

The Body Corporate owners acknowledge that they have been advised by NZ Body Corporate Limited that the levies should be raised in accordance with the legislative requirements of s121(2), and that the raising of the levies by equal apportionment is ultra vires to the Unit Titles Act 2010 and they therefore may be potentially exposed, and furthermore the BC agrees to indemnify NZ Body Corporate Limited.

14.0 **LEVY COLLECTION: (Ordinary Resolution)**

“That the Body Corporate Chairperson/Committee is authorised to instruct **NZ Body Corporate Limited** to recover any unpaid levies, or other unpaid debt owed by a unit owner to the body corporate, collectively, with interest set at 10% per annum and any additional costs incurred in collection of the debt, using the NZ Body Corporate Limited collection process as so (noted below), which may include an application to the appropriate decision maker.

Moved: Owen Palmer (13)

Seconded: Kevin Carmichael (19)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19:

NZ Body Corporate Limited (NZBCL) Levy Collection Process:

(NZBCL) Levy Collection Procedure is to e-mail/send an arrears notice at 7 days and 14 days overdue, e-mail/send a reminder letter at 28 days overdue stating interest at 10% per annum will be applied (administrative fees in accordance with the debt collection process will be applied), at 42 days overdue e-mail/send a demand letter (administrative fees in accordance with the debt collection process will be applied), at 60 days overdue e-mail/send a Final Demand letter (administrative fees in accordance with the debt collection process will be applied) advising legal action will be instigated if the debt remains unpaid within 14 days from date of final demand letter, with any costs incurred in the collection of the debt recoverable from the unit owner.

14.1 **NZBCL** – agreed that reminder notices would be sent out to owners that Levies were due.

15.0 INSURANCE: (Ordinary Resolution)

“That the Body Corporate agrees that the

- i. Insurance cover be placed for full re-instatement value of the common property through the Broker’s **Rothbury Insurance Brokers**, and underwritten by **NZI Insurance Company** for the period **22 July 2023 to 22 July 2024** at the quoted premium, **and**,
- ii. The Body Corporate agrees to continue with ‘Office Bearers’ Liability insurance, for the elected officers conducting Body Corporate business.
- iii. The owner, and not the Body Corporate, is to pay any excess in the event of a claim except where a claim relates to common property in which case the Body Corporate is to pay the excess, notwithstanding that if the damage being claimed for is attributable to the actions, or inaction, of an owner(s) or their resident(s) then the owner(s) of the unit is to pay the excess
- iv. All individual Owners have agreed to Insure their own Unit Title standalone homes. Owners are requested to supply a COC as proof of Insurance to NZBCL.

Moved: John Henderson (4)

Seconded: Owen Palmer (13)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19:

15.1 Several Owners expressed their concerns regarding Rothbury’s – they are no longer wanted as their broker. **NZBCL** explained that Bay Insurance Brokers had been approached to undertake the Sunridge BC common ground Insurance. Owners have asked **NZBCL** to email Bay Insurance brokers and ask them if they would look after the homeowners insurance. **NZBCL** will follow this up. Owners to be sent a copy of the BC Insurance policy.

16.0 LONG TERM MAINTENANCE FUND (Special Resolution)

“That the Body Corporate shall continue with the long-term maintenance fund to be held separately from all other funds, in accordance with (s117) of the Act as at the date following the date of this resolution. And: The amount of **\$7,000** and any excess monies from the prior budget be transferred from the operating account into the LTMF). The fund may only be applied towards spending relating to the long-term maintenance plan, and state the amount determined by the body corporate to be applied to maintain each fund item associated to that item each year and must, by special resolution, approve any amount to be spent on any (1) one maintenance item if the amount exceeds the amount specified for that item in the long-term maintenance plan by more than 10%.

Moved: Kathleen Cranch (14)

Seconded: John Henderson (4)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19

17.0 HEALTH & SAFETY: (Ordinary Motion)

“That the Body Corporate in conjunction with ‘NZ Body Corporate Limited’ will continually review and update all associated items including the hazard register for the complex, pertaining to the Health and Safety at work Act 2015 that came into force in April 2016, on a regular basis.

Moved: John Henderson (4)

Seconded: Derek Stembridge (18)

Carried Unanimously

For: 2,4,5,6,11,13,14,18,19

17.1 Health & Safety at work Act 2015 (noting)

The HSWA introduces the concept of a Person Conducting a Business or Undertaking (PCBU) as the principal duty holder. A legal opinion received, is that, as the Body Corporate will carry out work from time-to-time which this work is considered to be an "undertaking" it is therefore a PCBU. PCBUs are also directed to induct contractors to their site when they attend to work in the common areas. When engaging a contractor to work in the common areas, prior to the contractor commencing their work, the Committee/Building Manager/or any applicable party is to provide the contractor with a copy of the Body Corporate’s H&S Plan and confirm that the contractor also has an appropriate H&S Plan in place for themselves as a contractor.

18.0 GENERAL BUSINESS (No Motion)

There may be items listed under general business, however these in some cases are simply listed to make you all aware of them. Most will be able to be dealt with in and by your Chairperson and BC Administration.

The General Meeting is only able to discuss matters that are on the agenda and have been sent out to unit owners in advance to be voted on (s101(3)). Any matter that is not on the agenda for the general meeting may be discussed at the meeting. Unless all the eligible voters are present at the meeting, no resolution may be voted on or made in respect of that matter except to include that matter on the agenda for a subsequent general meeting.

18.1 PROPOSED FUTURE MEETING DATE FOR THE AGM

*Next Proposed AGM - **Friday 22 November 2024 @2pm***

Please place these in your calendar as you may wish to contribute agenda items for discussion at that meeting.

18.2 PU6 - Robbie Shaw – Committee; Sunridge Committee becomes more active in communicating with Owners – moving towards building the Sunridge community – to be an even better place to reside. Also, to hold more meetings – either informal or formal. NZBCL – there is provisions to hold four (4) business meetings (Committee Only) per year (if required) Discussions - There needs to be discussions on the Body Corporate, Grounds, Gardens, as there is a need for upgrading.**18.3 PU1 -Jan Naish-Wallis - “Could the BC approach the Council to ask for the row of very large trees outside our boundary on Ranginui Rd to be removed.” These constantly drop leaves onto our roof and into our guttering. I have had the guttering cleaned three times this year – the last time at a cost of \$799. I am aware that there is also a tree within our boundary which is not assisting the situation. We have been quoted \$2500 to remove this tree and we plan to do this as soon as the large trees outside are removed. However, there is no point in spending this amount if the main culprits outside remain. I look forward to your confirmation that the BC will approach the Council. Please note that I have already contacted the Council twice myself without any progress. My thoughts are that the BC may have more weight and therefore success. - NZBCL – not being a rate payer at Sunridge - would not be able to approach Council without some directive from the BC collective or Committee. Robbie reported that the Council have been and trimmed the trees. It was also mentioned that PU1 has trees within their boundary that are causing issues with the fence and that these need to be addressed by the Owner.**

*As there is no further business the meeting closed at **3.37pm**. The members are thanked for your attendance.*

Derek Stembridge (18)
‘Chairperson of the Body Corporate’

Dated; Friday 25 November 2022,

Tony Brindle
‘Administration to the Body Corporate’

Dated; Friday 25 November 2022,

Note:

Completion of the General Business will signal the conclusion of this AGM, and the Committee (If selected) will be asked to stay behind for the first Committee meeting brief and to receive their delegation of duties.