

22 November 2024

**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 22 November 2024 Via Zoom and In Person @1pm

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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](mailto:info@nzbodycorp.co.nz)

**PRESENT:**

**Owners Present in Person:** Ken Scott, John Henderson, Robert & Rosaleen Shaw, Derek & Heather Stembridge, Kevin Carmichael, Kadia Keller, Jan Viljoen.

**Owners Present via Zoom:** Jan Naish-Wallis, Graham Divehall

**Proxies Received:** (Nil)

**Postal Votes Received:** PU12 – FOR All.

**Apologies** Michael Warren, Tony Clark & Jessie Rebeterano, Gay Barretta, Kathy Cranch, Owen Palmer, Maureen Kinchant.

**BC Administration Present:** NZBCL- Tony Brindle & Haylee Preston (Zoom), Administration Manager to the Body Corporate

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**AGENDA & MOTIONS**

**1.0 WELCOME FROM THE CHAIRPERSON & QUORUM REQUIREMENTS: (No Motion)**

The BC Administration – welcomed all owners to their AGM. – and it was confirmed that there was a quorum present.

**2.0 APPOINTMENT OF THE MEETING CHAIRPERSON (reg11 (1c); (Ordinary Resolution)**

**MOTION:**

**Duties of 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 NZBCL – Tony Brindle be appointed to Chair the Annual General Meeting”.**

**Moved:** John Henderson

**Seconded:** Derek Stembridge

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

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

**4.0 CONFLICTS REGISTER: (No Motion) – (No Conflicts were Recorded)**

**5.0 APOLOGIES, PROXY, AND POSTAL VOTES: (Ordinary Resolution)**

**MOTION:**

**“That the apologies, proxies and postal votes received be accepted”.**

**Moved:** Kevin Carmichael

**Seconded:** Derek Stembridge

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

**6.0 MINUTES OF PREVIOUS AGM MEETING: (Ordinary Resolution)-(Attached)****MOTION:**

*"That the minutes of the Annual General Meeting held **24 November 2023** be approved and adopted as a true and correct record of that meeting"*

**Moved:** Ken Scott

**Seconded:** Derek Stembridge

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

**7.0 RECEIVING OF THE 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.

**MOTION:**

*"That the body corporate chairperson/committees report be accepted."*

**Moved:** Derek Stembridge

**Seconded:** Robbie Shaw

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

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

*"That the financial Position for the period ending **30 September 2024** as presented by NZ Body Corporate Limited compiled within the body corporate Xero accounting be approved"*

**Moved:** Derek Stembridge

**Seconded:** Kevin Carmichael

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

**9.0 AUDIT/REVIEW/VERIFICATION (Special Resolution)****MOTION:**

*"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 2024**."*

**Moved:** John Henderson

**Seconded:** Derek Stembridge

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

**10.0 HEALTH & SAFETY OBLIGATIONS: (Ordinary Motion) - BC Administration Managers Note:**

*The Body Corporate is considered a Person Conducting a Business or Undertaking (PCBU) and is obligated to comply with the Health & Safety at Work Act 2015. This obligation applies to the safety of common property, the Health & Safety of Occupants within the building in relation to the property and building assets, and when the Body Corporate engages a contractor to carry out work to the common property, or to building elements or infrastructure that serve or relate to more than one unit. A Unit Owner engaging a contractor to carry out work to a private unit which does not involve working at height, on common property (or part thereof), or to building elements or infrastructure that serve or relate to more than one unit must make their own enquiries as to the suitability of the work safe methods of the contractors they engage. Private work arranged by unit owners to their private units falls outside of the body corporate's Health & Safety obligations. A Body Corporate's failure to comply with their obligations and duties risks significant penalties and fines.*

**MOTION:**

*"That the Body Corporate in conjunction with (NZBCL – Admin to the BC) will continually review and update all associated items including the hazard register for the complex, inducting and assessing the suitability of contractors to ensure the body corporates duties and obligations under the Health & Safety at Work Act 2015 are reasonably discharged where practicable"*

**Moved:** Jan Viljoen

**Seconded:** Ken Scott

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

- 10.1 PU01** - Jan asked about the availability of an approved gardener for the estate, as she needed lawn maintenance after the previous gardener was no longer employed. John informed Jan that residents could hire their own contractors, and Ken mentioned he had mowed the lawns to help. Jan and Ken will discuss further.

**11.0 INSURANCE: (Ordinary Resolution)****MOTION:****"That the Body Corporate agrees that the -**

- i. Insurance cover be placed for full re-instatement value through the Broker's **Rothbury Insurance Brokers**, and underwritten by **NZI Insurance Company** for the period **22 July 2024 to 22 July 2025** 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..

**Moved:** John Henderson**Seconded:** Derek Stembridge**Carried Unanimously****For:** 1,2,4,6,11,12,18,19,20,22.**12.0 LONG-TERM MAINTENANCE PLAN (LTMP) (Ordinary Resolution)**

The Unit Titles Amendments Act 2022 requires bodies corporate to obtain a Long-term Maintenance Plan covering 10 years, and to levy owners sufficiently to meet the associated projected costs. The plan is required to be reviewed every three years by an independent, or more frequently if maintenance matters arise

**MOTION:**

**"That** in accordance with the provisions of (s116) of the Unit Titles Act 2010 the Body corporate will as and when required engage a suitable qualified independent professional to prepare the (LTMP) and that the Body Corporates obligations under (s30(2) of the Unit Titles Regulations 2011 and in conjunction with 'NZ Body Corporate Limited' will update its (LTMP) every three (3) years and/or continually review and update all associated items pertaining to the Long-Term Maintenance Plan (LTMP) on a regular basis, and that the Body Corporate is to arrange the required maintenance set out in the plan as and when required.

**Moved:** Derek Stembridge**Seconded:** John Henderson**Carried Unanimously****For:** 1,2,4,6,11,12,18,19,20,22**13.0 LONG TERM MAINTENANCE FUND (Special Resolution) - BC Administration Managers Note**

A Body Corporate by default is required to levy owners for projected long-term maintenance costs in accordance with the plan to be held separately from all other funds, in accordance with (s117) of the Act, unless it decides otherwise

**MOTION:**

**"That** the Body Corporate agrees to raise and collect Long-term maintenance contributions of **\$7,000** inclusive of GST for the forthcoming 12 months and any excess monies from the prior budget to be set-aside into the Long-term Maintenance Fund (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:** Ken Scott**Seconded:** Robbie Shaw**Carried Unanimously****For:** 1,2,4,6,11,12,18,19,20,22**14.0 BUDGET (Attached)****MOTION:**

- a) **"That by Ordinary Resolution;** the proposed budget of **\$76,833.33** be resolved as drafted inclusive of GST for the 12- month period **1 November 2024 to 31 October** is to be raised by **equal apportionment** and payable in **One (1) Lump Sum** (preferred) or **Four (4)** – instalments per annum (1 December 2024, 1 February 2025, 1 May 2025, 1 August 2025), - on the 1<sup>st</sup> day of each month and **Due** - 28<sup>th</sup> of the same month".

**Moved:** John Henderson**Seconded:** Derek Stembridge**Carried Unanimously****For:** 1,2,4,6,11,12,18,19,20,22**MOTION:**

- b) **"That by Ordinary Resolution;** pursuant to the provisions of Regulation 17 of the Unit titles Act 2011, the body corporate gives its approval for the Chair/Committee to enter into all necessary obligations on a commercial basis that will give effect to any expenditures provided in the budget".

**Moved:** John Henderson**Seconded:** Derek Stembridge**Carried Unanimously****For:** 1,2,4,6,11,12,18,19,20,22

#### 14.1 **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.

#### 15.0 **LEVY COLLECTION:** (Ordinary Resolution)

##### **MOTION:**

**“That in accordance with the provisions of Sections 124 – 128 of the Unit Titles Act 2010:** 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:** Derek Stembridge

**Seconded:** John Henderson

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

##### **NZ BODY CORPORATE LIMITED (NZBCL) LEVY COLLECTION PROCESS:**

(NZBCL) Levy Collection Procedure is to e-mail/send an arrears notice at –

- ⌄ 7 days overdue, e-mail/send a **reminder letter** -
- ⌄ 14 Consecutive days overdue stating interest at **10% per annum** will be applied (administrative fees in accordance with the debt collection process will be applied),
- ⌄ 14 Consecutive days overdue e-mail/send first Levy arrears **first demand letter** \$95 + GST- (administrative fees in accordance with the debt collection process will be applied),
- ⌄ 14 Consecutive days overdue e-mail/send a **second & Final Demand letter** \$95 + GST - (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. –
- ⌄ The Body Corporate Administration Manager will obtain direction from the Body Corporate or its elected Chair/Committee in respect of collecting the debt through official means (**Tribunal/Debt Collection Agency/Court**), all costs incurred through this process will be levied against and recovered in full of the defaulting Unit Owner.
- ⌄ All reasonable costs associated with debt recovery, together with penalty interest at a rate of 10% per annum will be on-charged to the unit owner in default pursuant to Sections 124(2) and 128 of the Unit titles Act 2010. All unit owners will be communicated with via their preferred method of contact. The Body Corporate may from time to time change the procedure. NZBCL collection process is effective as of 1 December 2023.

#### 16.0 **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

**Nominated by:** Jan Viljoen

##### **MOTION:**

**“That Derek Stembridge** be appointed as Chairperson of the Body Corporate under Regulation 10, as of the date of this resolution until the next AGM”.

**Moved:** Jan Viljoen

**Seconded:** John Henderson

**Carried**

**For:** 1,2,4,6,11,12,18,19,22

**Against:** 20

##### **Reg10 - Election of chairperson**

A body corporate must elect a chairperson by ordinary resolution at every annual general meeting of the body corporate

#### 17.0 **DELEGATION OF THE BODY CORPORATE DUTIES AND POWERS** (Special Resolution)

##### **MOTION:**

**“That all powers and duties of the Body Corporate Chairperson be delegated to the Body Corporate under Regulation 11(2) & 11(3). That the Body Corporate report annually on this delegation and this delegation remains in effect until such time as rescinded by the body corporate as of the date following the date of this resolution”.**

**Moved:** Kevin Carmichael

**Seconded:** Robbie Shaw

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

- 18.0 FORMATION OF THE COMMITTEE & QUORUM:** (s112) - (Ordinary Resolution) - **BC Administration Managers Note:**  
*The Unit Titles Amendment Act 2022 requires Nominees to meet the eligibility criteria, prior to being elected, and must adhere to the Committee Member Code of Conduct, and declare on an on-going basis, conflicts of interest in relation to their committee positions under section 114A and 114B of the Unit Titles Amendment Act 2022. Therefore, it is a prerequisite for eligibility that nominees understand the Unit Titles Act and the "Code". The Body Corporate Chairperson will by default automatically become a Committee Member/Chairperson, unless, at its AGM, 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).*

**MOTION:**

- (a) **"That 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:** Jan Viljoen

**Seconded:** Robbie Shaw

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

**MOTION:**

- (b) **"That the named nominees listed 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."**

**Those nominated for election to the Committee are:**

<b>Name</b>	<b>Unit</b>	<b>Name</b>	<b>Unit</b>
Ken Scott	(2)	John Henderson	(4)
Owen Palmer	(13)	Jan Viljoen	(22)
Derek Stenbridge	(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:** Graham Divehall

**Seconded:** Robbie Shaw

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,22

**Against:** 20

- 19.0 COMMITTEE CONFLICTS REGISTER** - (Ordinary) Resolution) - **BC Administration Managers Note:**

*The Unit Titles Amendment Act 2022 requires that a committee conflict of interest register be kept, and committee members, on an ongoing basis, disclose any (financial) conflicts of interest arising, with the nature of that conflict. The conflicts register must be circulated with the AGM agenda under Regulation 6(5)(ca).*

**MOTION:**

**"That the Body Corporate acknowledges the provision of the committee *"conflict of interest"* register as attached, to all unit owners, and prior to committee elections being held".**

**Moved:** John Henderson

**Seconded:** Kevin Carmichael

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

- 20.0 DELEGATION OF THE BODY CORPORATE DUTIES AND POWERS TO COMMITTEE** - (Special Resolution)

**MOTION:**

**"That the Body Corporate agrees to delegate ALL powers and duties of the Body Corporate to the Committee under Section 108(1) of the Unit Titles Act 2010, with the exception of those duties and powers listed under Section 108(2) until such time as rescinded by the Body Corporate and provide a written Notice of that delegation to each elected committee member, as of the date following the date of this resolution".**

**Moved:** John Henderson

**Seconded:** Ken Scott

**Carried Unanimously**

**For:** 1,2,4,6,11,12,18,19,20,22

**21.0 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.*

- 21.1 **PU6** – Please advise of any outstanding monies and who owes. **NZBCL** – Any reference to monies outstanding is in the end of year financials. PU7 debt is now with the Debt collection.
- 21.2 **Derek** – Roadway Asphalt - Derek discussed the state of the roads, indicating that only minor repairs had been conducted and that a proper review was to be completed. He suggested that the committee should label the issues for further discussion with the wider community. It was also recommended that the Committee should contact the Council for assistance with replacing the asphalt at the main entrance, as there is potential damage caused by tree roots owned by the Council. All agreed.
- 21.3 **PU01** – Jan N, plans to sell her house, and wanted to let all BC Owners Know. Jan also highlighted the difficulty in communicating with other house owners due to a lack of contact information. The Committee will address this with all Owners who would like to share their contact details with each other.
- 21.4 **PU11** – Graham expressed disappointment over the absence of social events, such as the Melbourne Cup, since Kathleen is no longer able to organize them. The community will look at organizing possible monthly get togethers by the pool. Graham and Robbie will assist with this.
- 21.5 The meeting addressed the poor maintenance of some Owners and their rental properties, highlighting the need for owners to uphold standards as mandated by the Act. The BC want these Owners to complete the maintenance for the betterment of the Estate and their investments. The Committee will follow this up.  
Ongoing concerns about trees obstructing views were discussed, with one owner expressing frustration over a neighbor's failure to comply. The owner involved in the situation received a letter from the body corporate but has opted not to reply. The Committee will meet to consider pursuing potential legal action. Tony emphasized the need for adherence to body corporate rules and the UTA Act.

As there was no further business the meeting closed at **2.50pm**. The members were thanked for their attendance.

**NZ Body Corporate Limited**

For, and on behalf of **'Sunridge Estate Body Corporate S62811'**,

**Derek Stembridge**

**Dated; Friday 22 November 2024,**

'Chairperson to the Body Corporate'

**Tony Brindle**

**Dated; Friday 22 November 2024,**

'Administration to the Body Corporate''