

Minutes
Huka Falls Resort Residents' Association
Regular Monthly Meeting – held at the home of Dean and Mandy
4 Chateau Crescent Taupō
4pm Thursday September 1 2022

The meeting opened at 4pm. In attendance: Dean Calvert (chair), Jackie Robinson, Liz Whaley, Wade Helleur, Iain Mutch, Mark Gardyne, Tom Clarke (Secretary).

1. Welcome to Guests

Dean welcomed Mark to the meeting as a new committee member, and then welcomed Malcolm Heilesen to the meeting as a guest.

2. Declaration of Conflicts of Interest

There were no declarations of conflict of interest.

3. Apologies

Nil.

4. Minutes of Committee Regular Meeting August 2 2022

a. Moved Dean/Seconded Iain: That the minutes be accepted as a true and correct record of the meeting – carried

b. Matters Arising

- i. Dean asked that all the minutes from May onwards be uploaded to the website. Jackie reported that she was waiting for Kim Manui to do that. Dean asked to ensure that no personal information is included in the minutes that are placed. Confidential and personal information must be redacted. Dean said it was the secretary's responsibility to ensure that this happens.

5. Correspondence

Inwards:

Kiwibank - the secretary reported that he had received Bank Statements from Kiwibank. It was agreed that we don't need printed statements as all the information is available via Xero. Jackie to arrange the cancellation of printed and mailed bank statements.

Outwards:

Taupō Women's Club - the secretary reported that he had emailed the Club after we had received three accounts for the hire of their hall for the AGM, each for a different amount, being \$240, \$310 and \$260. The first invoice was for \$260 and that was paid, being \$160 for the hall hire and \$100 refundable bond. Jackie reported that a non-refundable deposit had been paid initially which she thought was \$50. The secretary to investigate and ensure that we have paperwork to match.

6. Accounts

a. Financial Report

Moved Dean/Seconded Iain: That the accounts for the month of August as presented by Melita be accepted and approved – Carried

Dean explained the new account format that shows the draft budget, versus the actual. The cash flow is then forecast out to the end of the financial year to provide a clearer picture of the financial position. Dean asked the secretary to check that the accounts match the budget presented and approved at the AGM. The Profit and Loss report showed a surplus of \$18,319.75 for the year to date. Dean asked if the decision to create two separate accounts for the Capital Improvement Fund-New Development and the Contingency Fund as approved at the AGM had occurred. He confirmed that he had approved two transfers in the banking to effect this change. But he asked the secretary to double-check that this had definitely happened.

b. Accounts for Payment

Moved Jackie/Seconded Liz: that the following account for payments be approved - Carried

- i. Clarke Hill Associates - \$2160.00 secretarial services
- ii. Cargill Stent Clarke - \$609.50 legal opinion re the AGM special resolution & proposed land sale.
- iii. NZPost \$205.00 annual PO Box hire
- iv. BFA - \$2242.00 attendance at AGM and preliminary meetings
- v. Sawyers Lawnmowing Service - \$4433.47 grounds maintenance August
 - An account from Nova Energy for \$180.22, being the fee for the removal of the power supply for the closed account, was deferred pending further investigation by Malcolm.
 - Dean said the account from Cargill Stent Clarke should be on-charged to the Huka Falls Village Body Corporate as per the special resolution passed at the AGM.
 - It was agreed that the BFA account needs to separate the consultation over the land sale from the AGM matters. Dean to pursue with BFA.
 - It was noted that this was the final bill from Sawyers as his contract has now expired. A further account is expected for gardening work Sawyers is currently doing in Pocket Park.

7. Matters Arising from AGM

- a. The secretary asked for help in identifying a speaker at the AGM, who was subsequently identified [REDACTED].
 - b. Iain complimented the chairman for the way he handled the meeting, which he said was done professionally and with diplomacy.
 - c. Dean commented that the meeting was too long. But he said the meeting dealt with a number of large issues that don't normally arise but asked what could be done to make the next AGM shorter. He thought the outcome of the meeting was good. Jackie thought the meeting was short, considering the number of large issues that were discussed. Dean commented that the AGM meeting papers could have been sent out earlier, and all sent out in one batch. But given that everything was pulled together in a short space of time, we should get a pass mark.
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- d. Liz commented that the minutes of the AGM have to be sent out more promptly. It was noted that the draft minutes had been sent out to members earlier, but that the final minutes were sent with the Notice of Meeting.
 - e. Barry Fitzgerald request regarding notifying tenants to observe the speed limits. Jackie, Liz and Malcolm will prepare a suitable mailbox drop document, and will do a mail box drop with this information. Jackie commented that the speed limit is currently 40 kph but that the final speed limit has not been decided and will hopefully go back to 30kph. Iain asked for an update on progress on deciding this. Jackie will follow up.
 - f. North Park sale proposal. Dean commented that he had been advised to sell the land through a Trade Me listing rather than through a real estate company, which would result in a savings of about \$40,000 in fees. He has been approached by an experienced person who has offered to provide professional advice and guidance. The advice is that selling land is different than selling a house, and with the current state of the market, selling privately is a better proposition. It was agreed that we need a business plan and a robust budget for the full project, and from that a robust cash flow. Jackie said she had received quotes for surveying and civil works. The next stage is to get legal advice to check the constitutional ramifications. Dean said he will deal with the legal side. Jackie will get second quotes for surveying and for civil works. She estimated a cost of about \$100,000 for this work for both properties. Then with the entire breakdown we can go back to the community for approval, after that we can go ahead with resource consent application. Dean commented that it has to be done professionally. Jackie said Planning Consultant Scott Davenport's advice would be Stage One, legal Stage Two and then resource consent Stage Three, and once it is through Council, Stage 4 is the final sale. Jackie will prepare a breakdown of the Stages, costs and what each stage will entail. Jackie noted that reserve contributions of 4 percent of the value is payable to Council on a development, but we already have one credit because we are already paying rates and services which means we don't have to pay on one property, but we do on the second. If we gift the remaining land to the Council we would effectively do a swap on the contribution. That would be done at the resource consent stage. Dean commented that as a non-profit organisation we need advice on how we deal with issues such as GST, and what we can and cannot do. He is also concerned to protect the asset of the proceeds of the sale to ensure that it cannot be fritted away by some future committee, or could be used to top up a budget shortfall. Dean said interest earned by the money should be considered as income, and used to offset fees, but so as the capital remains intact. BFA needs to do further research. Jackie will drive progress apart from legal which Dean will attend to. Dean said it was important that everyone one - committee members and owners - fully understand what we're going to do and how we're going to do it. Jackie suggested that if we fund the bills through to the resource consent stage, than we can get approval before the civil work is undertaken. At that point we sell one site – or both - and then that money is used to fund the rest. Dean stressed we need a budget for legal and financial advice, and also the stages at which things are going to happen.
 - g. AGM be held within three months of the end of the financial year. Dean commented that issues like Covid aside, there is no reason why this can't
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happen, apart from the legal and financial requirements for which we are dependent on third party cooperation which is not always possible. It was agreed this is a target to aim for but can't always be met because of circumstances beyond our control. Iain commented that we can use the website to keep members informed in the case of delays.

- h. Huka Falls Body Corporate. Dean asked the secretary to talk to Alan Henwood to ascertain what the next step is.
- i. Matt Laity presentation – Matt set out his intentions in the email that the secretary sent out on his behalf, and made his presentation to the AGM. Dean said we need to remind everyone that they need to talk to Matt if they have any concerns. We do need to survey our residents and find out what their feeling is on it, particularly those residents along The Boulevard. Dean said we should put in a submission on the proposal and that should be done as an “affected person”. Mark commented that everyone in this area will be affected, not just in terms of getting the project built, but for ever. Matt may be expressing his vision, but longer term there will, be other owners with other ideas and that is what the community needs to look at. In terms of the proposed loading bay, that is a tight area in terms of access. Mark felt Matt has chosen this entrance to avoid trucks running through his resident’s area and he believed it should put it in his subdivision, not where we have to deal with it. The loading bay could be in the parking area and use time controls. Jackie said we did not want trucks coming into The Boulevard with the noise issue. Secretary to send email to residents, with Matt’s attachments, and ask them to come back to us by a set date if they have concerns. Dean noted that we can only do what residents want us to do otherwise we can’t do anything as a committee. There needs to be some communication back to us to indicate what people want so we can go back to Council and negotiate. Jackie commented that in some form this development will go ahead. It will only be turned down if the Council objects which she doesn't think it will. She said if we want to have input it is up to us to be proactive. Dean said we need to find out if we are going to be considered an affected party. Jackie said if we are to handle this properly and get the right advice, we need someone like Scott Davenport to handle it on our behalf.

(Iain retired from the meeting 5.12pm)

Dean instructed the secretary to send out an email to everyone, to send the plan again and point out that the RA committee is here to take advice from them on what they want. Such feedback is very important.

[REDACTED]. Dean said that should happen after we ascertain from Council whether or not we are an affected party. Dean said he would consult with Louise on our status before consulting Scott. He said that he was told by Matt Laity that the Council said he must get approval from the Residents’ Association which it considers to be an affected party.

8. General Business

- a. AirB&B advertising. Dean thought this would become a more common issue so we need to decide if AirB&B rentals will be permitted. When we read the Constitution, they are permitted but they have to go through an agent who

was the owner of the development. When that person is no longer around, owners can come to the committee as the agent. Dean believes it will be impossible to stop AirB&B rentals. The only thing that may stop it is the rule that says residents cannot run a business from home but pointed out that many do run businesses from home, and owners could question why they can't run an AirB&B. He wants to avoid the risk of being taken to court when the Constitution clearly states that you can operate an AirB&B. The problem is the Constitution is not fit to purpose and he is concerned that the RA could waste a lot of money (on legal fees) because we haven't done things properly. Jackie suggested that once the North Park land has been sold, some of the proceeds could be used to rewrite the Constitution. Under the Constitution, Dean noted that responsibility for making short term rental bookings passes to the Committee and the Committee is to act as a booking agency, and not to decide whether or not they can do it. It would be preferable to delay the issue until the Constitution can be rewritten. Dean commented that there are other issues that are beginning to concern members such as the presence of caravans and motorhomes. The secretary reported that he had emailed the owners of the offending property but had heard nothing back. It is unclear if the property is still listed on AirB&B.

- b. Bench Seats. Jackie said she had heard that the Council has surplus bench seats and is giving them away. Jackie to pursue to find out.
 - c. [REDACTED] shed. The secretary reported that he had not pursued this matter with the owners. Jackie reported the owners had emailed that they want to put up a sunshade. She intends to go and inspect the property. The shed needs to be removed. We cannot have illegal structures erected on properties. Jackie said the owners had purchased their property at Christmas time, and they may not have been given the Design Board standard documents. Dean said that was irrelevant. If they were not informed, that is the responsibility of the real estate agent who sold them the property. Jackie said we now have a welcome pack that is given to everyone who moves into the area we make sure that they have a copy. Jackie to pursue the illegal shed and the application for the sunshade.
 - d. Lawns and gardening. Dean asked if other quotes had been obtained for lawns. Malcolm said one quote had been received but only for one cut. He wants to get other quotes. Dean said we need to get three quotes immediately. Malcolm has prepared specifics about the area to be mown and the requirements for the contract. Sawyers has given two quotes – one for mowing and one for gardening. Dean commented that we cannot spend more than what has been approved in the budget. Malcolm said he will seek these quotes in the next week. Dean said we have to get this resolved, noting that the residents want Sawyers and that no one has complained about his work. He stressed the need we need to get together with the contractor and go over everything so we know what we're getting.
 - e. Community get together. Dean said he had been approached by new residents who suggested a get together so new residents can get to know others. Agreed a get together, BYO drinks and nibbles was a good idea. Dean suggested getting an old movie and having an outdoor movie night in Pocket Park. Agreed this was a good idea and will be discussed later.
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