

**MINUTES OF SPECIAL COMMITTEE MEETING OF  
HUKA FALLS RESORT RESIDENTS' ASSOCIATION HELD AT**

*18 Chateau Crescent, Rangatira Park*

At 7.00pm in Wednesday, 11 August 2021

**1. ATTENDING:** Ted Swanney, Jackie Robinson, Dean Calvert, Beth Hussain, Ian Mutch, Wade Helleur,

**2. APOLOGIES:** Robyn King (Secretary)

**3. MATTERS UNDER CONSIDERATION:**

- Clayton Stent – Agenda Item 4 Document
- “Affected Party” Status of RA
- Lot 510 – Application by developer for consent to vary existing RM Consent Conditions

**4. GENERAL BUSINESS:**

**(i) CHAIR**

Ted Swanney (TS) tendering his resignation as chair with immediate effect. Such resignation accepted with regret by committee.

Committee members agreeing to appoint an interim chair and thereafter the position of chair be filled by rotation of committee members thereafter.

**(ii) DECISION MAKING**

Committee recognising the need for committee members to make decisions outside of formal committee meetings. The issue being timing between meetings and the need to act with speed given mandate by RA members to committee to pursue and secure answers in respect of the Northlit Development of Lot 510 and progression of the Northlit planning application.

RA Rules considered. Committee members acknowledged many corporates conduct decision making outside of formal meetings with such decision making retrospectively approved and ratified by the governing board.

TS stating for the record (validity of decision making) the majority rule applies at a meeting of committee only but otherwise decisions must be agreed by all committee members and signed by all committee members. TS accepted a more flexible decision making process was required.

Iain Mutch (IM) making the point that where time is of the essence in relation to decision making, as in the case of the affected party form/RA letter of response to TDC, committee had a duty to act quickly but that the member sending the communication to members make it clear members are voting/agreeing to a matter.

Members commenting with COVID there was a need for a rule change to allow for greater flexibility of committee decision. Committee members agreed that more processes were needed to safeguard decision-making outside of formal committee meetings and

particular transparency in terms of correspondence with third parties (Northlit Limited, Cargill Stent and TDC).

The decisions outside committee would need to be agreed formally agreed via email.

### **(iii) MEMBERS UPDATE**

Committee was concerned that members had not received an update on progress thus far. In particular members had not been advised:

(a) a letter had been sent out by way of a holding response to Taupo District Council in response to the application by Northlit Limited to vary the existing conditions attached to the Resource Consent for Phase 4 A and 4 B; and

(b) committee was securing further advice from the RA Lawyers concerning the advice received to date in connection with the release of Easement Instrument.

Tony Devlin (TD) had drafted the resolution following on from AGM which needed to be approved by committee and ratified by members at the next AGM.

### **(iv) CODE OF CONDUCT**

Committee members identifying the need to put in place a conduct policy. Elizabeth Hussain (EH) agreeing to draft a conduct policy for circulation amongst committee members for comment.

### **(v) ROLE OF SECRETARY**

Also discussed the role of the secretary and the current duties performed by the secretary and the needs of the RA going forward.

In respect of Northlit Ltd complete transparency was required and committee should have control and sight of all correspondence in and out. A minimum of two committee members should attend meetings with Matt but that it should no longer be the responsibility for the Secretary to act as postbox or lead discussions with Northlit.

Committee commenting more processes need to be put in place to police the actions of the Secretary when carrying out the specific instructions of committee and that members are kept informed going forward.

### **(vi) NORTHLIT & EASEMENT INSTRUMENT**

Committee members discussed the advice from RA Lawyers and the alteration to the original advice on the eve before the RA AGM.

Draft letter to RA lawyers presented to committee for approval.

Concerns raised that the contents of the draft letter could be considered to be steering the advice sought from the RA Lawyers and that a further redraft was necessary. Ted Swanney commenting committee had previously agreed to a "discussion" with the RA's lawyers but it had not been contemplated that correspondence would be required. EH agreeing to telephone Clayton to have such discussion. EH would report to committee members by way of email outcome of such discussion and agree further action to be taken.



## **(vii) NORTHLIT PLANNING APPLICATION**

In respect of the variation of the conditions to the RM consent, committee members discussing the current RMA Consent, Northlit RA membership, the issue of the two balance lots and the commercial development of the church. These three areas had been excluded from the current application to TDC and would be subject to a further planning application at a later stage.

There were various reasons why such pockets of land may have been excluded. It could be linked to the upcoming changes to the Resource Management Act and loosening of conditions in relation to commercial development and provision of parking.

## **(viii) SPECIAL / GENERAL MEETING**

In terms of updating membership, committee discussed whether committee should call a special general meeting or a general meeting of members to provide an update.

Committee agreed the update at the General Meeting could be presented to members by way of power point a microphone provided to allow members to speak and be heard.

### **Resolutions:**

**Resolution 1:** Committee resolved to call a general meeting of members to discuss the matters identified in the resolution drafted by Tony Devlin at AGM.

**Moved by Elizabeth Hussain and Seconded by Iain Mutch - Carried**

**Resolution 2:** Elizabeth Hussain be charged with the task of contacting Clayton to discuss the advice given thus far to the RA in relation to the Easement Instrument and release of Northlit Limited. Elizabeth Hussain to request verbal clarification as to why the original advice to members had changed on the eve of the AGM and request Clayton record reply in writing.

**Moved by Jacqui Robinson and Seconded by Dean Calvert - Carried**

**Resolution 3:** Dean Calvert draft letter to members for approval/comment and committee request the RA secretary send a letter to RA members to update them with regards to committee progress thus far in terms of the resolution as drafted by Tony Devlin.

**Moved by Jacqui Robertson and Seconded by Dean Calvert - Carried**

**Resolution 4:** Ian Mutch be appointed interim Chair

**Moved by Elizabeth Hussain Seconded by Dean Calvert - Carried.**

**Resolution 5:** Decision making outside formal meetings could be made by email. Any such emails must in the subject matter require all committee members to respond and approve the decision-making which would be retrospectively ratified at formal committee meeting if necessary.

**Moved by Dean Calvert Seconded by Wade Helluer - Carried**

**Resolution 5:** The letter to Taupo District Council from the RA be retrospectively ratified.

**Moved by Dean Calvert Seconded by Wade Helluer - Carried.**

**5. CLOSURE:**

**There being no further business the meeting was declared closed at 9.40pm**

**Next meeting**

Committee members agreeing that the update from Council on the application by Northlit Limited to vary the resource consent and the response from Clayton would trigger the next meeting.

Signed on Original as a true and correct record:

A handwritten signature in blue ink, appearing to read 'Ian Mutch', written in a cursive style.

Ian Mutch (Chair)