



## ANNUAL GENERAL MEETING MINUTES

### BODY CORPORATE 562098

Rawhiti Village, 130- 164 Commerce Street, Frankton HAMILTON 3204

### MEETING PLACE, DATE & TIME

Colliers, 69 Victoria Street, Hamilton

**Wednesday, 07 December 2022 at 11:00AM**

### PRESENT

Lot #	Unit #	Attendance	Owner Name	Representative
3	103/3	Yes	J Louise Hudson and J Bernard Wade	
9	109/3	Yes	Trustees of The Jonty Taylor Family Trust	
10	110/3	Yes	K Stanley Rohde	
11	111/3	Yes	R and M Nieubuurt	
14	114/3	Yes	CLAS Investments Limited	Proxy - Colliers
15	115/3	Yes	Antrone Holdings Limited	Proxy & Postal - Colliers
17	115/124	Yes	Sunrise Property Investments Limited	
18	114/124	Yes	J Wendy Monteith & R Stewart Thornton	Proxy - Chairperson
21	111/124	Yes	M Roberta Fraser	Proxy - Chairperson
22	110/124	Yes	J Marshall and M Haughan Cooper	
23	109/124	Yes	Trustees of the JM Purdie Family Trust	Proxy - Chairperson
81	81	Yes	Antrone Holdings Limited	Proxy & Postal - Colliers
82	82	Yes	CLAS Investments Limited	Proxy - Colliers
83	83	Yes	Antrone Holdings Limited	Proxy & Postal - Colliers
84	84	Yes	Antrone Holdings Limited	Proxy & Postal - Colliers
87	87	Yes	CLAS Investments Limited	Proxy - Colliers
88	88	Yes	Antrone Holdings Limited	Proxy & Postal - Colliers

### QUORUM

Quorum of 25% was achieved.

### BODY CORPORATE CHAIRPERSON

Karl Rohde

### MEETING CHAIRPERSON

Alex Miller

### 1 PREVIOUS MINUTES

Resolved that the minutes of the last annual general meeting of the Body Corporate are confirmed as a true record of the proceedings of that meeting.

**Majority in favour  
Carried**

### 2 MATTERS ARISING

Nil

### **3 ELECTION OF CHAIRPERSON**

Karl Rhode was reappointed as chairperson.

### **4 ELECTION OF COMMITTEE**

Resolved that the Body Corporate establishes a Committee with **5** members

**Majority in favour**

**Carried**

Resolved that a quorum for Committee meetings and decisions made via email or letter shall be **3** members

**Majority in favour**

**Carried**

**The following nominations for the Body Corporate Committee were received:**

- Keith Hudson
- Karl Rohde
- Jane Hudson (at the meeting)
- Jonty Taylor (at the meeting)
- Chris Dinan (confirmed outside the meeting)

**Resolved that there being the same or fewer nominations than vacancies, all nominees are elected to the Committee.**

**Majority in favour**

**Carried**

#### **Delegation of Powers**

Resolved that the Body Corporate resolves by special resolution to delegate all of its powers and duties under the Act, Rules and Regulations generally to the committee pursuant to Section 108 of the Unit Titles Act 2010, except those unable to be delegated under Section 108(2). This delegation shall last until the close of the next AGM.

The committee shall report once annually at that annual general meeting. The minutes of this meeting will suffice as notice of the delegation to the committee members and is evidence of the committees' authority to perform each duty or exercise each power that is being delegated.

**Majority in favour**

**Carried**

### **5 FINANCIAL STATEMENTS**

Resolved that the financial accounts for the previous financial year be adopted.

**Majority in favour**

**Carried**

Resolved that the Body Corporate Manager be authorised to pay line items in the budget as and when they fall due but refer to the Body Corporate Owners for approval for unexpected expenses outside of the budget.

**Majority in favour**

**Carried**

Resolved that the Body Corporate Manager be authorised to recover debts from expenditure for the benefit of a unit or units in accordance with Section 126 of the Act where it determines on behalf of the Body Corporate that one or more of the units has benefited from such expenditure substantially more than other units.

**Majority in favour  
Carried**

**6 AUDITOR**

Resolved that by special resolution the Body Corporate agree not to appoint an auditor and that section 132(2) of the Unit Titles Act 2010 will not apply for the financial statement for the previous financial year.

**Majority in favour  
Carried**

**7 BODY CORPORATE RULES**

That the following proposed amendment be made to Rule 5.2:

*Commercial Units must not be open for trade outside the hours of 5.00am and 1.00am without prior written consent of the Body Corporate provided that the use of any Commercial Unit at any time shall not interfere with the reasonable use or enjoyment of the Residential Units. Owners must provide a full copy of these rules and a full copy of all future amendments to these rules to any occupier(s) of the unit and provide the Body Corporate with contact details including name, cell phone number, email address and address for service for all lessees, tenants and occupiers; and any letting agent or property manager responsible for the Unit.*

**Not passed**

Colliers explained this request was mainly due to the bakery wanting to be open from 5:00 AM and takeaway stores being open until 1:00 AM. Owners present were happy for the bakery to be open from 5:00 AM. Colliers are to seek approval from the Committee on behalf of the owner however owners were not happy with the takeaway stores being open until 1:00 AM therefore the resolution was not passed.

**8 VALUATION**

Resolved that for the purposes of insurance, an updated valuation will be obtained shortly before renewal.

**Majority in favour  
Carried**

**9 INSURANCE**

Resolved that the Body Corporate remains with the existing broker and that insurance is renewed according to the most cost effective cover.

**Majority in favour  
Carried**

Resolved that the Body Corporate is authorised to secure Office Bearers Liability Insurance with a cover of \$1,000,000.

**One against  
Majority in favour  
Carried**

Resolved that the unit owner is to pay any excess in the event of a claim except where the claim relates to common property, in which case the Body Corporate is to pay the excess.

**Majority in favour**  
**Carried**

## 10 GENERAL MAINTENANCE

Resolved that the following maintenance items be actioned;

- Rubbish area was discussed. Colliers advised that additional bins or lifts will be required once stage 2 is built - Once the new camera is installed facing the rubbish room, Colliers are to send an email out to all owners and advise that residents contaminating the rubbish and recycling bin area will now be caught on camera and offenders will be recharged any costs the BC incurs for removing items contaminating bins or large items that are dumped in this area.
- Cardboard bin signage as per the design attached to the agenda be installed on the cardboard cage.
- Building wash including a window clean be carried out by the most cost effective contractor - Colliers are to send quotes to the committee for approval.
- Grass gardens at front of complex - Dead grasses replaced
- Car park numbering aluminium signage to be drilled into each units wheel stopper total cost of \$721 (gst inclusive)
- Letterbox repairs - These are up to individual unit owners to repair and maintain

**Majority in favour**  
**Carried**

## 11 HEALTH AND SAFETY

Under the Health and Safety at Work Act 2015, the Body Corporate has a duty to:

1. Identify hazards
2. Eliminate or minimise any hazards and where appropriate put controls in place; and
3. Regularly check the control measures are in place
4. Where an incident occurs or the workplace changes, there will be a review to your Health and Safety Solution.

The following Health and Safety items have been highlighted in the last health and safety report;

- Item 2: Concrete cracked - Grind back flush the raised lip along the cracks in the concrete - Owners felt this should be up to the developer to repair.
- Item 3: Damaged pavers - Replace the damaged pavers - Owners felt this should be up to the developer to repair.
- Item 4: Damaged Pit Cover - Fill the gap between the pavers and the pit cover so it is flushed level - Owners felt this should be up to the developer to repair.
- Item 5: All slippery contamination cleaned from the affected areas
- Item 19: Sunken Earth - Fill the surface so it is level with the adjacent surface - Owners felt this should be up to the developer to repair.
- Item 20: Traffic Mirror - Install in vehicle accessway
- Item 21: Directional Markings - Paint markings to show the direction of traffic at the entry / exit points

Resolved that the Committee work through the health and safety risk report throughout the year.

**Majority in favour**  
**Carried**

The Health and Safety Risk Register was last reviewed in 2022.

Resolved that the Health and Safety Risk Register be reviewed annually.

**Majority in favour**  
**Carried**

**12 LONG-TERM MAINTENANCE PLAN**

That the Long-Term Maintenance Plan dated 2022 is approved.

**Not passed**

Colliers are to send the LTMP to owners to review.

**13 LONG-TERM MAINTENANCE FUND**

Resolved that the Body Corporate **opts out** of the Long-Term Maintenance Fund for the current financial year by way of special resolution.

**Majority in favour**  
**Carried**

**14 OPTIONAL CONTINGENCY INVESTMENT FUND**

Resolved that the full amount collected for the Optional Contingency Fund in the previous financial year remain in a non-interest bearing account.

**Majority in favour**  
**Carried**

**Note:** The amount collected for the Optional Contingency Fund in the current financial year is held in a non-interest bearing account until the current financial year is completed.

**15 ANNUAL BUDGET**

Resolved that the proposed budget for the current financial year was discussed, amended as follows and thus adopted;

- Reduce consultants to \$0
- Increase repairs and maintenance to \$15,000
- Increase sinking fund to \$8,000

**Majority in favour**  
**Carried**

Resolved that levy payments are due on the 20th of January 2023 and if insurance is levied separately, the insurance levy will be due 14 days from insurance levy being issued. Non or late payment can affect insurance cover.

**Majority in favour**  
**Carried**

Resolved that the Body Corporate is authorised to recover any unpaid levies owed to the Body Corporate, whether through Court, Tenancy Tribunal or otherwise. The collection costs, although recoverable by the Body Corporate from the defaulting unit owners, will need to be paid by the Body Corporate in the interim.

**Majority in favour**  
**Carried**

Resolved that the Body Corporate charge interest at the rate of 10% per annum as provided in Section 128 of the Unit Titles Act 2010 on any monies overdue. This includes charging interest to those on payment plans.

**Majority in favour  
Carried**

**Levies for the operational account, long-term maintenance fund (if any), and optional contingency fund (if any), will be apportioned according to Utility Interest as required by the Unit Titles Act 2010.**

## **16 GENERAL BUSINESS**

The following general business was discussed:

- Community gathering was suggested to be held in mid-late March - This is to be held in the common area carpark. Some money will be allocated from the BC fund for food this has been left with the committee to decide how much. Colliers will put a flyer in residents letterboxes closer to the time.
- Second air con upstairs was discussed as the units get very hot in summer. Colliers are to obtain quotes, plans and photos from a contractor then put this forward to owners for consideration.

## **CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 12:12 PM.

Please retain all documents supplied for your records and future reference including but not limited to minutes, valuations, insurance policies.

Please ensure you keep us informed of any changes to your contact details including your email address as all correspondence will be by email unless otherwise requested.