

MINUTES OF THE ANNUAL GENERAL MEETING

BODY CORPORATE 404693

9 Lovell Court, Albany Auckland 0632

The Annual General Meeting of Body Corporate 404693 was held at Columbus Coffee, 8/38 William Pickering Drive, Albany on Wednesday, 17 July 2024 commencing at 2:00 PM

Present:

Lot #	Unit #	Attendance	Owner Name Representative
1	A	Yes	Campbell McCulloch
2	B	Yes	Campbell McCulloch
3	C	Yes	Greg Reed
6	F	Yes	David Timothy Collins
10	J	Yes	Janice & Jeffrey - Proxy in favour of Rean Khoo
12	L	Yes	D A Sutton Trust - Zoom
13	M	Yes	D A Sutton Trust - Zoom
17	Q	Yes	Craig Francis King, Jill Marie King & Miles Agmen
18	R	Yes	Paul Hayward
19	S	Yes	Shaun Ross & Kevin Ross
20	T	Yes	Chris Bell-Booth

In attendance: Rean Khoo, Senior Body Corporate Manager, Auckland Property Management

Minutes:

- Appointment of Chairperson for Meeting**
 RESOLVED BY ORDINARY RESOLUTION That Rean Khoo be elected Chairperson of the meeting.
 Moved: Greg Reed
 Seconded: Campbell McCulloch
 MOTION CARRIED UNANIMOUSLY
- Proxies and Voting Papers**
Proxies were received as follows:
Unit J, Jeffrey John & Janice Christine Clague In favour of Rean Khoo.

There were no postal voting forms received.

 RESOLVED BY ORDINARY RESOLUTION THAT the proxies and voting forms be received.
 Moved: Greg Reed
 Seconded: Campbell McCulloch
 MOTION CARRIED UNANIMOUSLY
- Conflicts Register**
 No motion.
- Confirm Minutes of Previous Annual General Meeting**
 RESOLVED BY ORDINARY RESOLUTION THAT the minutes of the last meeting, held 26/07/2023, be confirmed as a true and accurate record of that meeting.
 Moved: Greg Reed
 Seconded: Campbell McCulloch
 MOTION CARRIED UNANIMOUSLY

5 Committee Annual Report

In accordance with the Unit Titles Regulations 2011, Regulations 28(1) and 28(3), a verbal annual Committee Report was made at the meeting.

RESOLVED BY ORDINARY RESOLUTION THAT the verbal annual Committee Report is approved.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

6 Election of Chairperson of Body Corporate

RESOLVED BY ORDINARY RESOLUTION THAT David Collins (Unit F) be elected as Chairperson of the Body Corporate in accordance with Regulation (10)1 of the Unit Titles Regulations 2011.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

Meeting Notes:

No nominations have been received. Nominations was taken from the floor during the meeting.

Under section 112A(1) UTA, the appointed Chairperson of the Body Corporate will automatically be given a position on the Committee. In addition, they will automatically be the Committee Chair, unless the Body Corporate resolves by ordinary resolution under section 112A(2) UTA not to take that approach.

7 Committee Number & Quorum

RESOLVED BY ORDINARY RESOLUTION THAT until otherwise resolved by the Body Corporate in terms of the Unit Titles Act 2010, the Committee shall comprise of up to FIVE (5) members. The Committee shall meet and conduct business in accordance with the requirements of the Unit Titles Act 2010 and the Unit Titles Regulations 2011 not less than one time in each year. The quorum necessary for the transaction of the business of the Committee shall be THREE (3).

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

8 Election of Committee

RESOLVED BY ORDINARY RESOLUTION That FOUR (4) of the following nominees be elected to the Committee.

1. Greg Reed - Unit C

2. Campbell McCulloch - Units A and B

3. Paul Hayward - Unit R

4. Chris Bell-Booth - Unit T

Moved: Craig Francis

Seconded: Kevin Ross

MOTION CARRIED UNANIMOUSLY

Managers Notes:

No nominations have been received. Nominations was taken from the floor during the meeting.

If a Body Corporate Chairperson has been successfully appointed under motion 5, they are automatically appointed as a member of the Committee.

As per UTA Section 114A, all Committee members must comply with the Committee Code of Conduct in Schedule 1A of the Unit Titles Regulations 2011. As per UTA Section 114C, a Committee member who has a financial interest in a matter, must also disclose details of the nature and extent of the interest to the Committee and this must be recorded in a register held by the Committee. (See Appendix A). What constitutes a "financial interest" that must be disclosed is set out in sections 114C to 114E of the UTA.

General Delegation of Powers and Duties

(a) RESOLVED BY ORDINARY RESOLUTION THAT the Body Corporate shall indemnify the Committee and the Chairperson, for any liability incurred by either, in respect of any matter undertaken in good faith by them in exercise of their delegated powers for the Body Corporate, in terms of the Unit Titles Act 2010 ("the Act"). Without limitation to the above, the Body Corporate shall indemnify the Chairperson and/or the Committee for any liability incurred in respect of any certificate given in good faith under Section 147(3) (b) of the Unit Titles Act.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

(b) RESOLVED BY SPECIAL RESOLUTION THAT the duties of the Body Corporate Chairperson as set out in Regulation (11)1, sub-paragraphs (a) to (m) inclusive of the Unit Titles Regulations 2011 be delegated to the Committee.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

(c) RESOLVED BY SPECIAL RESOLUTION THAT, in accordance with the provisions of Section 108(1) of the Unit Titles Act 2010, all the powers and duties of the Body Corporate be delegated to the Body Corporate Committee, save those powers reserved to the Body Corporate by Section 108(2).

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

Insurance Discussion

(a) RESOLVED BY ORDINARY RESOLUTION THAT the renewed insurance policies for the period 06/09/2023 to 06/09/2024 be confirmed.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

(b) RESOLVED BY ORDINARY RESOLUTION THAT the Body Corporate authorizes the Committee (under its already delegated powers), or the Body Corporate Manager be authorized to obtain quotations and renew the insurance policies for the coming year. The Body Corporate shall consider the need for insurance cover for:

- (i) The building and other site improvements;
- (ii) Loss of rents; Alternative Accommodation
- (iii) General Liability;
- (iv) Statutory Liability; and
- (v) Association Liability/ Office Bearers' cover

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

Managers Note:

Owners are asked to ensure they are familiar with the cover in place and the terms of this cover. These details can be found on <https://bodycorp.aucklandproperty.net/> under the insurance folder, including a claim form.

Approval of Financial Statements

RESOLVED BY ORDINARY RESOLUTION THAT the Financial Statements prepared by the Body Corporate as a non-reporting entity, which include the Statements of Income and Expenditure and Assets and Liabilities for the year ended 30/06/2024, be approved.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

- 12 Appointment of Auditor - If Required**
RESOLVED BY 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 previous financial year.
Moved: Greg Reed
Seconded: Campbell McCulloch
MOTION CARRIED UNANIMOUSLY

Managers note:

If the above motion fails, then the Committee will arrange an audit of the financial statements for the previous financial year as per Section 132 of the Unit Titles Act and an agreed figure for the audit will be added to the Administrative Fund budget.

Auckland Property Management adopts the Best Practice model in relation to Financial Management:

- i) Auckland Property Management Ltd advises that as part of our internal controls and procedures, all transactions are made through the Trust account of the Manager and are subject to a quarterly audit.*
- ii) Auckland Property Management Ltd is a strong advocate of Industry Best Practice and promotes good governance principles in relation to financial management and reporting.*

- 13 Discussion of Long Term Maintenance Plan**
RESOLVED BY ORDINARY RESOLUTION THAT the Body Corporate agrees to arrange a formal review of the Long Term Maintenance Plan by a suitably qualified building professional in accordance with the requirements of Regulation 30 (2) of the Unit Titles Regulations 2011, which the Committee may arrange under its already delegated powers and report back to the Body Corporate to seek approval of any changes to the Plan as a result of the review.
Moved: Greg Reed
Seconded: Campbell McCulloch
MOTION CARRIED UNANIMOUSLY

Managers Note: Rean to get 2 quotes for the Body Corporate to review the Long Term Maintenance Plan, one from the Solutions in Engineering and one from the other company.

14 Discussion of Common Maintenance Matters

1. Discuss the matter relating to the back flows.

Meeting notes:

It was recently found out at the last BWOFF compliance process that Campbell has been paying for the backflow device testing for the last few years and moving forward, Campbell to invoice \$230 plus GST to the Body Corporate for the annual backflow testing for compliance purposes.

2. Roof repairs and Air Conditioning Units

Meeting notes:

Auckland Roofcraft was recently engaged to quote on roof repairs. The first quote was approved by the committee and funds to come via the LTMF. There is a second quote to re-position those air conditioning units on the roof. The meeting agrees that the first quote will proceed and to ask Auckland Roofcraft to hold on first as the air-con units need to be re-positioned first. The meeting agreed to use another company called "Climate Control" for this second job. Paul Hayward is managing this with the affected owners who have their air-con unit on the roof. It was agreed that Climate Control should invoice each unit owner individually.

3. Ratification of the size of Rubbish Areas as agreed from the last committee meeting held on 7 June 2024.

Meeting notes:

- Rubbish bins are contained in an area of 2.5m in length and 0.9m in depth.
- Air Conditioning Units. If Unit owners wish to remove their Air Con Units from their roof or from any other area they would have to get permission from the Body Corp committee to reinstall. If fitted to a wall that encroaches common areas, then the units have to be professionally installed to a legal height, at a height of around 3.2m from the ground, with all trunking to an acceptable standard and all overflow of water needs to be properly plumbed and all conduit and trunking to match the current paint work.

- Committee to organize stickers for rubbish bin areas with unit numbers and to remove surplus rubbish bins. Final notification to Unit K regarding rubbish removal, with a deadline for action.

4. Committee to make visitor parking signs more visible and update with current towing company information.

15 Health & Safety

RESOLVED BY ORDINARY RESOLUTION THAT the Body Corporate monitors, reviews and updates the Hazard Register on file to ensure any hazards identified are removed or minimized and that any new hazards that may have occurred during the year are noted and attended to.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

Managers Note:

All owners are required under the Act to ensure they have read and understand the Health & Safety report and have supplied a copy to any tenants, visitors or contractors to ensure they are aware of any hazards onsite.

**16 Approval of Administration Fund Budget
(Approved Budget Attached)**

RESOLVED BY ORDINARY RESOLUTION That the Administrative Fund budget to be determined and approved at \$40,000.00 inclusive of GST.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

**17 Approval of Long Term Maintenance Fund Budget
(Approved Budget Attached)**

RESOLVED BY ORDINARY RESOLUTION That the Long Term Maintenance Fund budget to be determined and approved at \$28,000.00 inclusive of GST.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

18 Striking of Levies and Number of Levy Instalments

RESOLVED BY ORDINARY RESOLUTION That the operating budget (comprising the Administrative Fund budget and the Long Term Maintenance Fund budget) shall be raised according to utility and/or ownership interest in TWO (2) equal instalments due for payments on 01/09/2024 and 01/03/2025. The Body Corporate Manager shall issue invoices not less than 20 days prior to the due date for each instalment.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

19 Recovery of Body Corporate Levies, Penalty Interest Rates & Debt Administration Fees

RESOLVED BY ORDINARY RESOLUTION That Auckland Property Management Ltd be authorised to recover any unpaid levies or other outstanding expense items owed to the Body Corporate, through the Tenancy Tribunal or otherwise, and to levy interest at the rate of 10% per annum as provided for in Section 128 of the Unit Titles Act 2010 on any monies outstanding. All costs, debt administration fees and expenses involved in the recovery shall be charged against the defaulting proprietor in full. A lawyer appointed by the Committee, shall act as duly appointed agents for the Body Corporate, where required, for debt collection.

Moved: Greg Reed

Seconded: Campbell McCulloch

MOTION CARRIED UNANIMOUSLY

Auckland Property Managements levy collection process is as follows:

Owners will be notified by email to the email address recorded with Auckland Property Management of all levies and/or charges due. The same email address will be used for all notifications regarding the collection of money owed to the Body Corporate unless a request is made otherwise. If an owner does not have an email address, all correspondence will be posted to the postal address recorded with APM. It is the responsibility of the owner to ensure that APM is notified of any change to either email or postal addresses.

Levies are typically raised within 14 days of the Annual General Meeting unless otherwise instructed by the Chairperson of the Body Corporate. Our standard collection process for unpaid levies is detailed below:

- 20 days prior to levies being due, a levy notice is sent to advise owners of the levy instalment due. The due date for the first instalment can be sooner by resolution at the AGM.
- **Stage 1 debt recovery.** 10 days after the due date of the levy instalment, a reminder is sent that the levy instalment is past due. Interest at the rate of 10% per annum accrues from the due date.
- **Stage 2 debt recovery.** 40 days after the due date of the levy instalment, if payment is still outstanding, a final notice is sent to the registered owner. A debt administration fee of \$110.00 + GST is charged to the unit.
- **Stage 3 debt recovery.** 70 days after the due date of the levy instalment, APM will attempt to contact the owner by an alternative contact method. If contacting the owner is unsuccessful and/or payment is not forthcoming, a notice to commence legal action is served, notifying the owner that their file will be referred to our legal department for further action should payment not be received within seven days. A debt administration fee of \$220.00 + GST will be charged to the unit. Any legal costs incurred are payable by the registered owner.

The above process is to be used as a guide only and is subject to change depending upon individual requirements of the Body Corporate.

Subject to acceptance by the Body Corporate committee, the owner may request to pay the levy by instalments at an agreed payment plan. This will include interest at the rate of 10% per annum for any period where there are monies outstanding. Failure to meet obligations to the agreed payment plan will result in the debt recovery process commencing.

20 General Business

Meeting notes:

- Discussion done on garden maintenance and cleanliness of the garden area. Agreed to send the notification to the owners if the garden maintenance is not done by them and if no action is taken by any specific unit then the BC to remedy and on-charge any costs to the unit directly.
- The owners talked over the issue of the visitors carpark being used by outsiders or long-term parking by some other units. Committee to make visitor parking signs more visible and update with current towing company information.

Body Corporate Website:

At Auckland Property Management we try and be environmentally friendly so have put all your important documents relating to your body corporate online please visit <https://bodycorp.aucklandproperty.net/> to view these at any time. If you have forgotten your login details please contact your manager Rean Khoo directly on the following email Rean@apm.kiwi and they will assist.

Rean Khoo
Senior Body Corporate Manager

CLOSURE: There being no further business, the chairperson thanked all those who had attended and declared the meeting closed at 03:24 PM.

Privacy Policy: In order for Auckland Property Management to provide services to the Body Corporate and assist the Body Corporate in meeting the requirements of the Unit Titles Act 2010 and Unit Titles Regulations 2011, we are required to collect and hold personal information. We do so in accordance with our Privacy Policy which is published on our website. Please see <https://www.aucklandproperty.net/auckland-property-management-privacy-policy/>