

## MINUTES OF THE ANNUAL GENERAL MEETING

'On Point' apartments – BC553081  
9 Walmer Road, Point Chevalier, Auckland 1022

The Body Corporate held an **Annual General Meeting** on Tuesday, 29th April, 2025 at 6:30pm at the **Surrey Hotel, 465 Great North Road, Grey Lynn, Auckland.**

*Attendee's – Craig Hill (Chairperson) and Claudia Hill 301, Kylie Tucker (Secretary) + proxy 202, G05, Peter Vial 302, Hamish Borowczyk B01, Meagan Ramages G06, Warren Strand G09 + Proxy 205, G07, Frances Turner B03, Hamish Goulter G08, Briar Corbett B02, Jae Chua 106, Robina Davies 105, Anna Geddes G03. Postal Vote: 206.*

The **Annual General Meeting Agenda** was as follows:

**Quorum is met with 15 eligible votes present. – Meeting Opens at 6.36pm**

**Conflicts of Interest Register** - Financial conflict declared by Warren Strand. Warren has paid the developer \$20,000 to the developer of the new build at 16 Moa St to extend the stormwater pipe to the property boundary. Warren was acting as a private citizen, not on behalf of the body corporate for this transaction.

1. **Minutes of the previous AGM**

To consider the motion (by ordinary resolution): That the minutes of the last meeting be confirmed as a true and accurate record of that meeting. Moved: Craig  
Seconded: Frances

2. **Matters Arising from the Previous AGM Minutes Accepted** - All in favour

3. **Approval of Financial Statements**

To consider the motion (by ordinary resolution): That the Financial Statements prepared by the Body Corporate as a non-reporting entity, which include the Balance of accounts -Accounts Receivable - Accounts Payable - Account Transactions for the financial year ending 31/03/2025 as approved. Moved: Craig Seconded: Frances

BC A short discussion was had regarding debt collection from the sole owner who's behind in levies. The owner is now on a payment plan.

4. **Resolutions 1 - 4** - PLEASE ALSO SEE POSTAL VOTING FORM

R1 - Attendees authorised to change the 2025/2026 Budget. **For: ALL - Carried:**

R2 - Debt collection. **For: ALL - Carried:**

R3 - Audit or Review . **For:All - Carried:**

R4 - General Delegation of Powers and Duties. **For: ALL - Carried:**

5. **Chairpersons Report.**- find attached the annual Report.

To consider the motion (by ordinary resolution): That the annual Chairpersons Report is received as tabled. See item 14 below for more discussion notes.  
Moved: Craig Seconded: Frances

6. **Building Managers Report.**

Please find attached the annual Building Manager's Report. Resolved (by ordinary resolution): That the annual Building Manager's Report is received as tabled.  
Moved: Craig Seconded: Frances

As per the building manager's report, further discussion was had about security measures put in place as a result of the repeated break in's to the garage and thefts of a car and several

bikes. It was proposed additional and improved CCTV and added swipe points would help to secure the premises.

A was had discussion in regards to minor repairs and maintenance. Roofcare will be back to repair some flashing under warranty. A minor cladding defect was promptly remedied under warranty by Waide in the north east corner. Hamish asking what the root cause of this was? Kylie passed on what Waide said which was a possible minor defect in concrete.

7. **Resolutions 5 - PLEASE ALSO SEE POSTAL VOTING FORM**

R5 - Security Upgrades. **For:ALL - Carried:**

Security upgrades cost will be in Special Projects on the budget.

8. **Proposed Budget for 2025-2026 financial year.**

To consider the motion(by ordinary resolution) that the proposed budget, and any amendments, be accepted as the annual budget to be levied for the 2025/26 financial year.

Kylie ran through the budget, no major issues raised. Contractor prices have increased with inflation.

Warren was asking about the mechanical ventilation, Kylie explained the servicing they provide meeting compliance requirements and roof/heights access.

Warren was asking about the amount quoted for the Fraser Thomas storm water report and was reminded this was in last years budget and none was budgeted for this year.

Anna was asking why we don't have a long term maintenance fund? Kylie explained the contingency fund gives us more flexibility. A long term maintenance fund may only be spent on items identified in the LMTP and can not be used for other purposes no matter how urgent. The long term maintenance plan will be attached to the AGM minutes.

Craig pointed out the building wash would be put off for one more year, but after that must be done next year.

Anna asked about the general expenses increase, Kylie explained this included funds to cover any initial legal fees which may arise this year.

The contingency fund was used for the pins on the roller doors as this was urgent. This was approved by the Committee. This immediately prevented further break-ins via the rollerdoor.

Kylie suggests we add another \$1000.00 into repairs and maintenance to allow for excavation of B02 yard to allow for overland flow under the fence to prevent ingress into the basement apartments during severe rainfall.

**For: 14 Against: Warren 1 - Carried:**

9.

**Election of Officers - PLEASE ALSO SEE POSTAL VOTING FORM**

**Election of Chairperson of Body Corporate**

To consider the motion (by ordinary resolution): That Craig Hill be elected as Chairperson of the Body Corporate in accordance with Regulation (10)1 of the Unit Titles Regulations 2011.*Managers Note: 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.*

10. **Committee Number & Quorum**

To consider the motion (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 Seven (7) 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 FOUR (4).

**For:ALL - Carried:**

**11. Election of Committee - For:ALL - Carried**

To consider the motion (by ordinary resolution): That eight (8) of the following nominees be elected to the Committee.

The nominations received for committee members are as follows:

Unit G08 Hamish Goulter

Unit G03 Anna Geddes

Unit G09 Warren Strand

~~Unit 202 Randall Tutton~~ (withdrawn due to work commitments)

Unit B02 Briar Corbett

Unit B03 Frances Turner

Unit 301 Craig Hill

Unit B01 Hamish Borowczyk

*Managers Notes:*

*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.*

**12. General Delegation of Powers and Duties - For:ALL - Carried:**

a) To consider the motion (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 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.(Liability Insurance)

b)To consider the motion (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.

c)To consider the motion (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).

**13. Insurance Discussion – For: ALL - Carried**

To consider the motion (by ordinary resolution): That the renewed insurance policies for the period 18/02/2025 to 18/10/2026 be confirmed. Moved: Craig Seconded: Frances  
NZI Liability \$1,512.22. NZI Damage \$51,827.55 Total:\$53,339.77

Note: QBE is no longer offering Body Corporate Insurance in NZ and due to our claims history only NZI was willing to offer cover for this financial period. However, the premium was **not** penalised and is still within the expected amount. Funds raised in this budget will be applied to next years Insurance Premiums due in February.

**14. General Discussion**

- Detention Tanks – (See Chairperson's Report and Building Manager's Report). Craig discussed these in more detail. Anna was asking the definition of "currently functional", in what weather situation would they not be?

Warren looked at the tanks and was concerned with the bulging and this possibly affecting the function, Craig and Kylie said we should get Waide to come and look at this.

Anna asked about worse case scenario happening, would we use our insurance? Or try to get Waide to claim? She also asked about the replacing of the tanks (if Waide go ahead and do this) would they just be replacing tanks that could have the same issue? Craig explained that the issues are definitely to do with damage caused during construction.

Warren thinks we should sit on replacing the tanks until the threat of storm water in the

back yard is sorted, as replacing detention tanks might not solve any potential issue's. Anna points out there are two separate issues, the problem with pumping storm water away during extreme rainfall, and the damaged detention tanks. Craig would like feedback from the room on the length of time they are comfortable with this warranty claim negotiation with Waide lasting? How much longer are we happy with it dragging out before we start spending our own money on legal costs? Craig's feeling is if we don't have some sort of movement from Waide by the end of May, we need to consider legal pressure. Once Waide know we are taking legal proceedings they may pull back on replacing tanks and wait for a legal outcome. So its a balancing act. Waide's communications with us have picked up recently. Anna asked about time frame around tank failure if they are not replaced in the near future. The manufacturers are not able to give us this information.

**Decision made to wait till next Friday, if nothing from Waide then we proceed with legal advice.**

- Further flooding prevention measures. August next year(2026) the Walmer Road storm water capacity should be increased when Watercare separate the stormwater and sewer. As per the chairperson report, this will greatly reduce the potential for flooding and give Walmer Rd the same stormwater capacity as Moa St.

**Overland flow path** - Our overland flow path to the rear is now obstructed by a raised garden on the Moa St side of the fence. There is a grey area as to whether they can block the path of overland flow. Craig would like to talk to the developer to access overland flow. Warren doesn't think overland flow path option will work and that the sw connection is the best option. He thinks parts of On Point are lower than the Moa land.

Hamish and Craig disagree and said they used a laser to measure the land height and showed the top of the patio is now higher than Moa St after the construction providing adequate fall to allow overland flow. By lowering B02's rear land overflow could be created to release enough water to prevent flooding.

Warren talked about connecting to Moa St and putting a catch pit in B02.

There is a possible difference in the amount originally quoted earlier to Warren for this option.

Craig thinks the total cost verses benefit would be too high. Frances asks about time frames around consent for a catch pit. Craig doesn't think we would get consent in the time frame before the developer sells the property.

Craig says if the storm water system in the street is full, as it was in Jan 2023, the only way we get water out is over the surface, either via pump or overland flow.

Frances says we want to take action to look at the solution and we look at every potential option to disperse water including the option of replacing the planter on the Moa side.

Warren says its not an option as he doesn't think there is a fall between On Point and Moa road and there is also the unknown of what they might put on the driveway even if planter removed. Craig argues the laser measurement accurate. Hamish B says as long they don't raise the driveway any more there is a significant overflow pathway there. Hamish B says relying on the overland flow path isn't a guaranteed solution, where as the catch pit might be. Craig said that if the Moa St system is also full as it was in 2023 then the pipe connection will not work as all the sw system would be full.

Kylie says the only way we will know if either, or both, of these systems would work would be modeling by an engineer. Craig, Hamish and Frances think no more money needs to be spent on modeling to find a solution.

Craig wants to get a feeling in the room of people's thoughts on looking into spending money on a consent for the option of the Moa connection and catch pit.

Anna lays out the two situations/Options – wait till next year when Watercare goes ahead and increases the storm water drain size (risk of extreme rain even happening before then), or going ahead with consent for catch pit, or looking at the overland flow path options with neighbour. The neighbour option should be able to be solved between us, moving planter as a starter, Hamish thinks we should try with this option as a starting point. Anna's opinion is to start the process and happy to pay the \$7,000 for an engineers report to see the likely outcome of either/both options. Warren spoke to a drainage contractor who thinks we could possibly connect to the pipe without a consent. Kylie and Craig strongly argued this has not been the advice by three engineers they have been given. Its is clear from Auckland

Council only one SW connection allowed per site.

The general feeling in the room is people don't want to wait until August next year for the council to separate the sewer and stormwater. General consensus from the room is happy to spend the \$7,000.00 on council resource consent deposit and engineer's report. Frances thinks the underground pipe option is something to follow through. Craig said we need to be careful with the whole process and the way its lodged with council as we don't want flood risk on the LIM.

Kylie points out there are investigations required with all the options which will need looking into. **Kylie suggested we will pass it over to the committee to discuss and move forward, probably starting the overland flow option to create an immediate safety net for the basement apartments and time to investigate the consent process.**

**15 - For Sale signs on berm** – Robina raised this issue. To propose a time limit for signs situated on the berm. To protect the reputation and aesthetics of the building. Too many signs for too long may give potential buyers the impression something is wrong with the building.

Building Manager to action this, time limit agreed upon was 2 months. Building Managers to ring agents tomorrow and ask for the current signs to be removed. Also a reminder no lock boxes, they are not allowed to be attached to the building or property.

**16. – Apartment front door closing noise issues** - Matiu can try to adjust so doesn't slam so loud. People can contact Matiu if they have an issue with their or others door slamming. But also to remind residents to try not to let their door slam especially late night and early morning.

**17. Warren suggested looking into using Community Hall** as it's very cheap to hold AGM to reduce costs. Kylie may look into this although reminded Warren we would have to set up and pack up and provide refreshments. SML pays for AGM costs as part of annual secretary fee.

Meeting declared closed 20:11