

12 March 2024

Dear Owner,

**Re: Body Corporate 184031
Property at 373 Khyber Pass Road, Epsom Auckland
Annual General Meeting held on Wednesday, 21 February 2024**

Please find enclosed the minutes and following attachments relating to your Body Corporate's annual general meeting:

- the Body Corporate's budget for the year 1 January 2024 to 31 December 2024.
- your levy notice, which is your proportion of the Body Corporate's budgeted expenses.

If you have received this letter by email your levy notice will follow in an additional email.

Should you require any further information please log into your Owner Portal online account via Strata's website www.bodycorporate.co.nz.

Please note: Should you require additional copies of your levy notice these can be downloaded 24/7 from your Owner Portal via Strata's website. Alternatively if you require Strata to email you a copy a manual processing charge will apply.

Yours sincerely,



Devon Sansbury
Senior Body Corporate Manager

MINUTES OF ANNUAL GENERAL MEETING
Body Corporate No 184031
Property at 373 Khyber Pass Road, Epsom Auckland

THE ANNUAL GENERAL MEETING (AGM) of this Body Corporate was held at the office of Strata Title Administration Limited, Level 1, Dilworth Building, cnr Queen Street & Customs Street East, Auckland and via MS Teams video conference facility, on Wednesday, 21 February 2024 commencing at 12:00pm.

ATTENDANCE:

Lot #	Unit #	Attendance	Owner Legal Name Representative at AGM
1	A	Yes	Watt, Jill Ms Jill Watt
4	D	Yes	Ms B Linn & Mr R Carter Ms Barbara Joan Linn
6	F	Apology	Yang, Yang Qian Postal vote
8	H	Yes	Mr M Fitzpatrick & Ms P Claxton Mr Mike Fitzpatrick
15	O	Yes	Gu, Jian Mr Dan Zhu
16	P	Apology	Denman, Dianne Proxy: Ms Victoria Smith
17	Q	Yes	Mr G & Mrs R Brandon Mrs Rebecca Brandon
19	S	Yes	Smith, Victoria Ms Victoria Smith
21	U	Yes	Gu, Jian Mr Dan Zhu

OTHERS PRESENT: Mr Devon Sansbury representing Strata Title Administration Ltd (Strata) as the Body Corporate Manager.

MINUTES OF THE MEETING:

1 APPOINTMENT OF CHAIRPERSON OF THE MEETING

Resolved: That the Body Corporate elects Mr Devon Sansbury, a representative of Strata, to chair the meeting.

2 APOLOGIES, PROXIES AND POSTAL VOTES

Resolved: That the apologies, proxies and postal votes, as detailed in the record of attendance, be accepted and the meeting declared quorate.

3 FINANCIAL STATEMENTS

Mr Sansbury spoke to the financial report appended to the agenda, noting that the majority of cost line items in the working account were on or under budget, with exceptions being rubbish removal, which exceeded the budget due to price increases from the contractor, and the costs of the Long-Term Maintenance Plan (LTMP) and Safety Report, which were underbudgeted.

In the contingency fund, there were expenses amounting to \$13,390.87, associated with the cost of replacing the fence along Khyber Pass Road.

Resolved: That the Body Corporate approves the financial report for the period 1 January 2023 to 31 December 2023.

4 REPORT FROM THE COMMITTEE

The Committee's report was attached to the agenda and taken as read. Ms Joan Linn noted that significant effort had been made to clear green waste from the garden at the rear of the property. Additionally, an agreement was reached with the neighbouring property to cease dumping green waste in that area. Ms Linn requested that residents of the complex also refrain from disposing of green waste there.

The Committee noted thanks to Ms Linn and Mr Roger Carter for their contributions over the past year.

Resolved: That the Committee's report is adopted.

5 CHAIRPERSON OF THE BODY CORPORATE

A nomination had been received for Ms Joan Linn to be appointed as Chairperson of the Body Corporate and Chairperson of the Committee.

Resolved: That the Body Corporate appoints Ms Joan Linn as the Chairperson of the Body Corporate and Committee.

6 COMMITTEE

(i) Committee Election

Nominations had been received for Ms Joan Linn, Mr Dan Zhu, Mr Mike Fitzpatrick, Ms Victoria Smith, Mrs Rebecca Brandon and Ms Dianne Denman to be candidates for election as committee members.

Mr Fitzpatrick thanked owners for his nomination but unfortunately had to decline due to other commitments.

Owners discussed whether the Committee should maintain its current size of five members or be reduced to three. It was decided that the Committee should remain at five members, as each member contributes valuable experience to the role.

Resolved: That the Body Corporate elects a committee of five members, which shall have a quorum of three members, comprising:

Ms Joan Linn
Mr Dan Zhu
Ms Victoria Smith
Mrs Rebecca Brandon
Ms Dianne Denman

(ii) Conflict of Interest Register

Resolved: That the interests register is received.

7 DELEGATION OF DUTIES

Resolved by special resolution: That pursuant to Section 108(1) of the Unit Titles Act (the Act) until the end of the next annual general meeting of the Body Corporate all of its powers and duties are delegated to the Committee, save those powers reserved to the Body Corporate under Section 108(2); and that this resolution is evidence of the Committee's authority to perform the powers and duties so delegated to it; and serves as notice of delegation; that the Chairperson's duties set out in Regulation 11 are delegated to the Committee; and that the Committee will report to the Body Corporate on an annual basis regarding its performance of these powers and duties.

8 OFFICE BEARERS LIABILITY (OBL) INSURANCE

Resolved: That the Body Corporate accepts the quote from Chubb for \$713.00 including GST for OBL cover of \$1 million, to cover both indemnity and defence costs, for the period 1 March 2024 to 1 March 2025.

9 BODY CORPORATE REINSTATEMENT INSURANCE

Resolved: That the Body Corporate insures with NZI for principal cover at the quoted premium of \$20,045.31 including GST for the period 1 March 2024 to 1 March 2025 and that Strata is to arrange the annual reinstatement valuation and pay the cost as per the budget.

10 INSURANCE EXCESS

Resolved: That the owner, and not the Body Corporate, is to pay any excess in the event of a claim except where a claim relates to common property in which case the Body Corporate is to pay the excess, notwithstanding that if the damage being claimed for is attributable to the actions, or inaction, of an owner(s) or their resident(s) then the owner(s) of the unit is to pay the excess.

11 COMMON MAINTENANCE MATTERS

Resolved: That the Body Corporate's Chairperson/Committee is to agree, approve and arrange the maintenance required over the forthcoming year.

12 LONG TERM MAINTENANCE PLAN (LTMP)

Mr Sansbury noted that Solutions in Engineering Ltd had prepared a 30 year LTMP during the year. This was done to ensure that the Body Corporate complies with the amendments to the Unit Titles Act, which are set to be implemented in May of this year.

Resolved:

(i) That the Committee is to continue to review the Body Corporate's LTMP drafted by Solutions In Engineering

on an annual basis and arrange for any changes arising as a result of the review process to be incorporated into the LTMP.

(ii) That the Body Corporate's Committee is to continue to arrange the required maintenance set out in the plan as and when required.

13 LONG TERM MAINTENANCE FUND (LTMF)

Resolved by special resolution: That the Body Corporate does not maintain a LTMF but utilises a Contingency Fund to finance its LTMP.

14 HEALTH & SAFETY AT WORK ACT 2015

Mr Sansbury noted that Solutions in Engineering Ltd had prepared a new Safety Report this year which had noted several improvements that could be made at the complex. The Committee had sought quotations for these improvements and it would be a focus for the coming year.

Resolved: That the Body Corporate instructs the Committee to continue to update the hazard register for the complex and to attend to any hazards as may be required to either remove, minimise or highlight them to ensure a safe environment for all residents, owners and visitors.

15 BUDGET AND LEVIES

Owners discussed the proposed budget attached to the agenda.

It was noted that the building is in need of a wash as it had not been done since it had been painted. It was decided that a building wash should be done annually with the gutters to be cleaned more often, potentially twice a year, especially on the back building due to its proximity to trees. The roof should be cleaned every 2 - 3 years. Given that a full building wash would be completed this year it was decided to increase its budget from \$3,000.00 to \$5,000.00.

Owners also discussed health & safety. It was agreed to allocate \$10,000.00 for the improvements recommended in the Safety Report. With a current balance of \$25,337.90 in the working account from previous surpluses, it was decided that these expenses would be covered by the surplus funds.

Resolved:

(i) That the Body Corporate adopts a **working account budget of \$67,700.70 excluding GST** funded by levies of **\$57,700.70 excluding GST** and a **contingency fund budget of \$25,000 excluding GST** for the period 1 January 2024 to 31 December 2024 and sets the levy due date as **1 May 2024**.

(ii) That Strata is authorised to pay standard/regular accounts on behalf of the Body Corporate as they fall due, which accounts relate to the day to day operation of the Body Corporate in accordance with the approved budget, but that any non-standard accounts are to be approved by the Chairperson/Committee.

16 DEBT RECOVERY REGIME

Resolved: That if a duly authorised levy or any sum payable by an owner to the Body Corporate is not paid by due date that the owner is liable to the Body Corporate for interest on the outstanding balance at 10% per annum; all debt collecting costs; including Tenancy Tribunal/court costs incurred by the Body Corporate in accordance with the following procedure:

- If payment of the levy notice is not made by the due date a reminder letter is sent to the defaulting owner requesting payment of the levy and stating that if the levy is not paid within seven (7) days a Late Payment Charge of \$126.50 including GST (if any) will be incurred; [letter #1]
- If payment of the levy notice is not received within seven (7) calendar days of the due date, a letter is sent to the defaulting owner requesting payment of the levy and the \$126.50 including GST (if any) Late Payment Charge, and advising that if these amounts are not paid within seven (7) calendar days an additional Late Payment Charge of \$253.00 including GST (if any) will be incurred; [letter #2]
- If payment of the levy notice and Late Payment Charges are not received within seven (7) calendar days of Letter #2 being sent, a third letter is sent to the defaulting owner requesting payment of the levy plus all accumulated Late Payment Charges and advising that if these amounts are not paid within seven (7) calendar days an additional Late Payment Charge of \$253.00 including GST (if any) will be applied; [letter #3]
- If payment of the levy notice and accumulated Late Payment Charges are not received within seven (7) calendar days of Letter #3 being sent, a "Notice of Impending Legal Action" letter is sent to the defaulting owner requesting payment of the levy plus all accumulated Late Payment Charges and advising that the debt will be turned over to a solicitor if the total outstanding amount is not paid within seven (7) calendar days; [letter #4] and
- Pursuant to Section 171(3) of the 2010 Act, the Body Corporate hereby appoints Price Baker Berridge (PBB) to act as its agent on its behalf in relation to any dispute.

17 TAX AGENT

Resolved: That the Body Corporate authorises Strata to appoint a tax agent on its behalf which shall have access to the Body Corporate's tax types and be able to liaise with the Inland Revenue Department and obtain information from the Inland Revenue Department on the Body Corporate's behalf.

18 AUDIT OF THE BODY CORPORATE'S FINANCIAL STATEMENTS

Resolved by special resolution: That all transactions of the Body Corporate are to be made through the Strata Trust Account, which is subject to a two monthly transactional audit by Forbes, Chartered Accountants, and that any interest earned on Body Corporate funds be retained by Strata to offset the Trust Account operating and audit costs, on the proviso that any monies other than those in the working/operational account, may at the direction of the Committee be held in a separate deposit (saver/fixed term deposit) account with interest accruing for the benefit of the Body Corporate, less handling and administration fees; and that in terms of Section 132(8) of the Unit Titles Act 2010, the Body Corporate does not appoint an auditor for the financial statements for the most recently completed financial year.

19 COMMUNICATION

Resolved: That if Strata has an email address on file for an owner, all correspondence will be sent by email only and not by post, notwithstanding that if Strata is notified in writing by an owner that correspondence is to be sent to them by post that this request will be actioned and no information will be sent to that owner by email.

20 MINUTES TO BE A RECORD OF THE BUSINESS OF THE ANNUAL GENERAL MEETING

Resolved: That if within thirty days of distribution of the minutes Strata does not receive any written request from a person who attended the meeting to amend any part of the minutes, that the minutes are adopted as a true and accurate record of the Annual General Meeting.

21 GENERAL BUSINESS

(i) Uniform double glazing.

Owners discussed that double glazing would make the properties more heat efficient and secure. It was noted that this was looked into in 2021 and that it had been decided that due to the extra weight of the double glazing that an engineer's report would be needed prior to it being installed to make sure it would not damage the building. The Committee undertook to look into getting a report done during the year.

(ii) Unit 11 balcony paint job.

An area had not been painted on Unit 11's balcony due to the previous owner having had a hot water cylinder placed there while the building was being painted. Ms Linn kindly offered to paint this area as there was still spare paint on the property.

(iii) Repositioning the overflow pipe positioned over Unit 1's courtyard.

The overflow pipe comes from the unit above Unit 1 and leaks water onto the courtyards below which could damage the fence and create a hazard. Strata undertook to discuss repositioning the overflow pipe with the unit responsible.

(iv) Corner gutter repair.

It was noted the gutter on the corner of the front building still leaks onto the pavement after rain even after workmen from the company who had replaced the roof in 2020 had been on-site to rectify it. Strata undertook to follow up with the roofing company.

(v) Building wash.

This was discussed under agenda item 15.

(vi) Letterbox repositioning.

It was noted that this will remain on the Committee's agenda this year however it will be secondary to getting the health & safety items done.

(vii) Health & safety action items.

This was discussed under agenda item 15.

(viii) Bird droppings.

It was noted that the regular feeding of birds by a resident, with the bird excrement then naturally following this, is causing an unsightly and unhygienic mess on the north eastern corner of both levels of the front building, the front boundary fence and surrounding footpath areas and, that this has gone on for more than a year, the issue having also been raised at last year's AGM and, a number of conversations having ensued with the resident during that 12 month period also. It was decided that the matter be followed up further outside of the AGM.

22 AGM CLOSURE

With no further business to discuss, Mr Sansbury thanked the owners present for their attendance and participation and declared the meeting closed at 1:50pm.

NOTES:

(a) Payment of levies: A levy notice will be distributed with the minutes of this AGM. Levies can be paid electronically by:

- **Internet Banking** - Banking details will be shown on the levy notice.
- **Eftpos** - Eftpos facilities are available at Strata's office.
- **Credit Card** - Credit card payments can be made by phone or at the offices of Strata. Please note that any payment by credit card attracts a 4% merchant fee. **Visa/Mastercard only.**

(b) Strata Owner Portal Access:

Owners have 24 hour access to their body corporate information via Strata's website. To access this service visit www.bodycorporate.co.nz and click on the Owner Portal button to login. If owners require their personal login details would they please email bc@stratatitle.co.nz and we will issue/reissue the necessary access login and password.

Information which can be accessed via the owner portal is:

- Personal address details (which can be changed on owner's instructions);
- Personal levy account history; and
- **Copies of many body corporate documents including: recent AGM notices, agendas, minutes, insurance certificate and your Body Corporate's rules.**

FOR FURTHER INFORMATION ON THE:

UNIT TITLES ACT 2010: please go to the link

[<http://www.legislation.govt.nz/act/public/2010/0022/latest/DLM1160440.html>](http://www.legislation.govt.nz/act/public/2010/0022/latest/DLM1160440.html)

UNIT TITLES REGULATIONS 2011: please go to the link

[<http://www.legislation.govt.nz/regulation/public/2011/0122/latest/DLM3695701.html>](http://www.legislation.govt.nz/regulation/public/2011/0122/latest/DLM3695701.html)

Approved Budget to apply from 01/01/2024

Body corporate 184031

373 Khyber Pass Road, Epsom Auckland 1023

Operating Account

	Approved budget	Actual 01/01/2023-31/12/2023	Previous budget
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Revenue

Levies Due--Admin	57,700.70	55,141.05	55,141.03
<i>Total revenue</i>	57,700.70	55,141.05	55,141.03

Less expenses

Admin--Management Fees--Standard	6,000.00	6,000.00	6,000.00
Admin--Prof. Fee - IRD Returns (GST & Income Tax)	1,150.00	800.00	1,150.00
Admin--Prof. Fees--Prep of LTMP	0.00	1,383.48	950.00
Insurance--Office Bearers Liability	620.00	620.00	620.00
Insurance--Premiums	17,430.70	15,841.03	16,021.03
Insurance--Valuation	650.00	620.00	600.00
Maint Bldg--Building Wash	5,000.00	2,587.00	3,000.00
Maint Bldg--General Maintenance & Disbursements	7,200.00	4,447.61	7,200.00
Maint Bldg--Health & Safety (Inspection/Report/Expenses)	10,000.00	757.39	600.00
Maint Grounds--Gardens & Plants	6,000.00	3,748.77	6,000.00
Utility--Electricity (Common Area)	950.00	844.20	950.00
Utility--Rubbish & Waste Removal	5,500.00	5,204.88	4,850.00
Utility--Water & Waste Water	7,200.00	6,838.48	7,200.00
<i>Total expenses</i>	67,700.70	49,692.84	55,141.03

Surplus/Deficit

	(10,000.00)	5,448.21	0.00
Opening balance	25,337.90	19,889.69	19,889.69

Closing balance

	\$15,337.90	\$25,337.90	\$19,889.69
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Total units of entitlement	10000		10000
Levy contribution per unit entitlement	\$6.64		\$6.34

Budgeted standard levy revenue	57,700.70		55,141.03
Add GST	8,655.10		8,271.15
Amount to raise in levies including GST	\$66,355.80		\$63,412.18

Contingency Fund**Approved
budget**

01/01/2023-31/12/2023

Actual**Previous
budget****Revenue**

1 Levies Due--Contingency Fund	25,000.00	25,000.00	25,000.00
1 Net Intt. on Investments--Cont.	0.00	330.26	0.00
1 Recovery--Owner--Contingency	0.00	4,313.66	0.00
<i>Total revenue</i>	25,000.00	29,643.92	25,000.00

Less expenses

1 Contingency--Bank/Admin. Fee	0.00	16.51	0.00
1 Contingency--Other Expenses	0.00	13,390.87	0.00
<i>Total expenses</i>	0.00	13,407.38	0.00

Surplus/Deficit

	25,000.00	16,236.54	25,000.00
Opening balance	59,262.77	43,026.23	43,026.23

Closing balance

	\$84,262.77	\$59,262.77	\$68,026.23
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Total units of entitlement	10000	10000
Levy contribution per unit entitlement	\$2.88	\$2.88

Budgeted standard levy revenue	25,000.00	25,000.00
Add GST	3,750.00	3,750.00
Amount to raise in levies including GST	\$28,750.00	\$28,750.00