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**BODY CORPORATE 349938**  
**30 Heather Street, Parnell, Auckland**

**Minutes Of The Annual General Meeting Of The Body Corporate Held On Thursday,  
28 October 2021 at 5.00pm via Zoom**

**ONLINE ATTENDEES**

- |    |   |                                |
|----|---|--------------------------------|
| 1  | A | Theo Field & Olivia Tibbetts   |
| 2  | B | Nick & Heather Ellis           |
| 4  | D | Melissa Tacy                   |
| 6  | F | Ben Thomson - Pidgeon Judd Law |
| 7  | G | Oliver Wright & Jamie Breen    |
| 10 | J | Akemi Oki                      |
| 14 | N | Novey & Kiran Pandir           |
| 16 | P | Nick & Heather Ellis           |
| 17 | Q | Chirs Taylor and Sandy Wilson  |
| 18 | R | Mel Utatao                     |
| 19 | S | Jonathan Stephenson            |
| 20 | T | Kent Steel & Jordyn McLean     |
| 21 | U | Jacqui & Craig Sims            |

**POSTAL VOTE**

- |    |   |  |
|----|---|--|
| 2  | B | N M Ellis & H K Ellis                            |
| 3  | C | Rowena Olive Harris                              |
| 7  | G | Oliver Wright & Jamie Breen                      |
| 10 | J | Yusuke & Akemi Oki                               |
| 16 | P | Heather Gulland Trust & Nicholas & Heather Ellis |
| 19 | S | Jonathan Ralph Stephenson                        |
| 20 | T | Kent George Steel & Jordyn Leigh McLean          |
| 21 | U | CJS Family Trust                                 |

**PROXY**

- |    |   |                                   |           |              |
|----|---|-----------------------------------|-----------|--------------|
| 6  | F | Maria & Vicente Reyes             | appointed | Ben Thomson  |
| 9  | I | Julian Fordyce                    | appointed | Craig Bong   |
| 14 | N | Pandit Properties Investments Ltd | appointed | Jaye Enright |

**APOLOGIES**

*Nil*

## QUORUM:

The body corporate manager confirmed that the meeting was quorate as not less than 25% of the principal units entitled to exercise a power of voting were represented.

## AGENDA

1. Confirmation of Chair of Meeting  
**Resolved that:** Jaye Enright be elected to chair the meeting.  
**MOVED:** Nick Ellis                      **SECONDED:** Kiran Pandir                      **CARRIED**
2. Apologies, Proxies and Postal Votes  
**Consider the resolution that:** the apologies, proxies and postal votes be received.  
**MOVED:** Kiran Pandir                      **SECONDED:** Nick Ellis                      **CARRIED**
3. Minutes – General Meeting  
**Resolved that:** If First Street does not receive within 14 days of the minutes of any General Meeting Minutes, being sent out any written request from a person who attended the meeting to amend any part of the minutes, then the minutes are adopted as a true and accurate record of the meeting.  
**MOVED:** Melissa Tacy                      **SECONDED:** Nick Ellis                      **CARRIED**
4. Election of Body Corporate Chairperson  
**Resolved that:** Jacqui Sims be elected as Chairperson for the Body Corporate until the next Annual General Meeting.  
**MOVED:** Heather Ellis                      **SECONDED:** Kiran Pandir                      **CARRIED**
5. Committee Quorum  
**Resolved that:** The Committee be number to be set at four (4) members with quorum set at no fewer than three (3) members.  
**MOVED:** Heather Ellis                      **SECONDED:** Chris Taylor                      **CARRIED**
6. Election of Body Corporate Committee  
**Resolved that:** The following owners be elected as Committee Members until the next Annual General Meeting.  
  
Unit U (21) - Jacqui Sims  
Unit B (2) - Heather Ellis (also owner of P (16))  
Unit Q (17) – Sandy Wilson  
Unit K (11) – Tamzin Letele  
**MOVED:** Nick Ellis                      **SECONDED:** Kiran Pandir                      **CARRIED**
7. Delegation of Duties of Chairperson  
**Resolved by special resolution that:** The delegated powers and duties of the Chairperson under the Unit Titles Act 2010 be delegated to the Body Corporate Committee.  
**MOVED:** Jacqui Sims                      **SECONDED:** Kent Steel                      **CARRIED**
8. Committee Authority  
**Resolved by special resolution that:** The Body Corporate delegates the authority for entering into obligations as per the budget, regarding maintenance, amenities and

servicing of the body corporate to the committee, until otherwise revoked at a general meeting. This motion serves as evidence of the Body Corporate Committee's authority to perform these delegated powers. The Committee shall report on this delegation no less frequently than each AGM of the Body Corporate.

**MOVED:** Sandy Wilson

**SECONDED:** Heather Ellis

**CARRIED**

9. Adoption of Annual Accounts

**Resolved that:** The financial accounts for 1<sup>st</sup> September 2020 to 31<sup>st</sup> August 2021 be accepted.

**MOVED:** Nick Ellis

**SECONDED:** Jacqui Sims

**CARRIED**

10. Auditor

**Resolved by special resolution that:** The Body Corporate agrees that no independent audit or review of the financial statements for the year ending 31<sup>st</sup> August 2021 and 31<sup>st</sup> August 2022 is required.

**MOVED:** Chris Taylor

**SECONDED:** Nick Ellis

**CARRIED**

11. Insurance

To confirm that cover has been placed with Vero Insurance New Zealand Limited (Underwriter) via BrokerWeb Risk Services (Broker) for the year. Summary of cover is attached and full policy documents can be obtained from First Street on request.

Please note that:

- I.** Owners are advised that any claims in relation to the Insurance Policy should be made directly with First Street Body Corporate.
- II.** The insurer needs to be notified if a unit is vacant for a period longer than 90 days. Please note that a unit that is vacant will attract a higher excess in the event of a claim.
- III.** The Body Corporate warrant that the list of building occupants and their activities as set out in the valuation is accurate, as is the occupation status of the units and undertakes to advise the Manager should the occupancy or use of the unit change.
- IV.** The Body Corporate is advised that all claims should be notified as soon as practicable. The insurer advises that claims not notified within 30 days of the incident may be technically void.

**For Mortgagee interests and insurance certificates please contact:**

Simon Moss

Email: [Simon.Moss@bwrs.co.nz](mailto:Simon.Moss@bwrs.co.nz)

Web: <https://www.bwrs.co.nz/>

12. Building Manager Report - Attached

13. Health and Safety Report

**Resolved that:** the Body Corporate authorises the Committee to review the current Health & Safety Report prepared by HSNZ on 17 May 2018, action and update the Hazard Register for the complex based on risks identified, carry out any work to remove, minimize or highlight them to ensure the complex is safe for all owner, resident or

visitor.

**MOVED:** Sandy Wilson

**SECONDED:** Heather Ellis

**CARRIED**

**Pre-Meeting Note:** A provision of \$1,500.00 had been included in the 2020 budget (unspent) should the committee require the plan to be updated by an external contractor.

14. Long Term Maintenance Plan

**Resolved that:** The Body Corporate adopts the long term maintenance plan prepared by Plan Heaven dated 17 September 2021.

**MOVED:** Nick Ellis

**SECONDED:** Jacqui Sims

**CARRIED**

**Pre- Meeting Note:** A provision of \$500.00 has been included in the budget should the committee require the plan further updated by an external contractor.

**Managers Note:** *that there was a typo on job number 10 (page 13) that made reference in the text to an amount of \$25,000.00 however it should have been \$60,000.00. The report would be corrected and sent out with the minutes of the meeting. A thanks to Nick Ellis for picking this up.*

15. Budget

**Resolved that:**

- i)* The draft budget of \$181,709.68 including gst made up of \$126,709.68 (Operating/Trust Account) \$55,000.00 (LTMP Fund) \$0.00 (Contingency Fund) be approved and levied to all owners by utility interest as provided in section 121 of the Unit Titles Act 2010. Levies are to be paid in **4** instalments with payments due on:
  - 20<sup>th</sup> November 2021
  - 20<sup>th</sup> January 2022
  - 20<sup>th</sup> March 2022
  - 20<sup>th</sup> May 2022
- ii)* Pursuant to the provisions of Regulation 17 of the Unit Titles Regulations 2011 the Body Corporate gives its approval for the Committee to enter into all necessary obligations on commercial terms that will give effect to any expenditures provided for in the budget.

**MOVED:** Jacqui Sims

**SECONDED:** Chris Taylor

**CARRIED**

**Levy Letter:**

Any owner that would like their annual levy amount and installments or a detailed breakdown of their individual levies compared to the approved budget should email [bc@firststreet.co.nz](mailto:bc@firststreet.co.nz)

16. Debt Collection

**Resolved that:**

- i)* Pursuant to Section 128 (2) of the Unit Titles Act 2010 interest of 10% per annum will accrue and will be charged on any debt unpaid after the due date until the date of payment.
- ii)* The Body Corporate is authorised to instruct First Street Body Corp Management Limited to recover any unpaid levies or other unpaid debts owed

by a unit owner, together with interest and reasonable costs of collection, using First Street collection procedures (as outlined in attached Schedule of Services) where debt has been outstanding for more than 14 days.

- iii) The Committee is authorised to instruct First Street Body Corp Management Limited, or Lawyers of its choice to make an application to the appropriate decision maker to recover any unpaid debt owed by a unit owner where need be.

**MOVED:** Nick Ellis

**SECONDED:** Sandy Wilson

**CARRIED**

**Overdue fees, Body Corporate Manager's Costs, interest and Lawyer's expenses:**

Any overdue fees, body corporate manager's costs, interest or Lawyer's expenses incurred in the recovery of an overdue levy for a unit are the Proprietor's responsibility to pay. These charges are not reversible unless by consented by majority vote of the Body Corporate at a General Meeting at which point the trust account of the Body Corporate becomes liable for payment of those fees.

17. Inland Revenue Tax Agent Authority

**Resolved that:** First Street Body Corp Management Limited (our tax agent) are authorised to act on our behalf for all tax types for the coming year. Authority is given to obtain information from Inland Revenue and other financial institutions to enable our tax returns to be completed. This includes obtaining information via online services available on the Inland Revenue's website.

**MOVED:** Nick Ellis

**SECONDED:** Jacqui Sims

**CARRIED**

18. Communication

**Resolved that:** If First Street has an email address on file for an owner, all correspondence will be sent by email only and not by post. Notwithstanding, if First Street is notified in writing by an owner that correspondence is to be sent to them by post then this request will be actioned and no information will be sent to that owner by email (except in an emergency situation).

**MOVED:** Kent Steel

**SECONDED:** Jacqui Sims

**CARRIED**

19. General Business item put forward by Oliver Wright and Jamie Breen Unit 7 (G)

Proposition to convert one general rubbish bin into compost bin:

**Resolved that:** Green Gorilla provides a commercial compost pick-up service (quote attached). Choice of 120L or 240L bins. Price is \$15.50 or \$19.50/pick-up is less than \$1/week per apartment.

**MOVED:** Oliver Wright

**SECONDED:** Nick Ellis

**CARRIED**

**Meeting Note:** *the meeting thanked Oli for the time he took to investigate and put this forward to the other owners. It was agreed that this would be put in place the 240L bin as a trial and funded from the contingency fund (no budget provision was put in place) and the committee would also review the whole rubbish collection system that was currently in place and the solution that Craig had talked to from Rubbish Direct that included enabling owners to seek a rates rebate if private collection was put in place. Craig would advise all residence once the trial compost bin was in place and its location along with any instructions, collection day as soon as possible.*

20. General Business item put forward by of Melissa Tacy Unit 4 (GD)

Construction/renovation noise during lockdown:

**Resolved that:** limit noisy construction/renovation during lockdown periods to that which is both necessary and urgent.

**MOVED:** Melissa Tacy

**SECONDED:** Mel Utatao

**CARRIED**

**Meeting Note:** *the meeting discussed the best way to deal with noise and alteration renovations during lockdown periods and agreed the best way to handle it was that the committee would add this into the criteria when review all alteration/renovation requests from owners when they were presented. The committee would review the type of work and the likely noise level that would be generated. They would add any conditions into any approval to ensure other residents were impacted as little as possible including asking the owner to advise all residents by mail drop of days where work is likely to be loud and time limit of work. Example – concrete cutting will occur on Wednesday between 8.30 am and 12.30. This notice would allow other residents to plan their day not hold online meetings during this time or undertake outside exercise while the work was occurring.*

21. General Business item put forward by Vicente and Theresa Reyes of Unit 6 (F)

Variation to Easement 6556129.4: (Supporting documents attached)

**Resolved by special resolution that:** the Body Corporate approves the attached variation of easement 6556129.4 under section 61 of the Unit Titles Act 2010.

**MOVED:** Ben Thomson

**SECONDED:** Heather Ellis

**CARRIED**

22. General Business:

*No items put forward.*

Meeting Closed at 6.05pm

For and on behalf of Body Corporate **349938**



Jaye Enright – Manager  
First Street Body Corp