



MINUTES OF THE ANNUAL GENERAL MEETING

BODY CORPORATE 209179

15 O'Sullivan Place, Waiuku, Auckland 2123

The Annual General Meeting of Body Corporate 209179 was held at APM Offices, Spartik House, Level 2, 6-8 Edward Wayte Place, Grafton, Auckland and via Zoom on Wednesday, 06 December 2023 commencing at 10:00 AM.

Present:

Lot #	Unit #	Attendance	Owner Name/Representative
2	2	Yes	Brendan Wright
4	4	Yes	Annamarie Roberts
8	8	Yes	Tony Sullivan as proxy appointing Brendan Wright
9	9	Yes	Laurel Rhodin

In attendance: Steven Garland, Body Corporate Manager, Auckland Property Management

Minutes:

- Appointment of Chairperson for Meeting**
Resolved (by ordinary resolution) That Steven Garland be elected Chairperson of the meeting. t the proxies and voting forms be received.
MOTION CARRIED UNANIMOUSLY
- Proxies and Voting Papers**
Proxy Tony Sullivan of Unit 8 in favour of Brendan Wright
RESOLVED (by ordinary resolution): That the proxies and voting forms be received.
MOTION CARRIED UNANIMOUSLY
- Conflicts Register**
No Motion (Attached) - It was noted that there were no conflicts.
- Confirm Minutes of Previous Annual General Meeting**
Resolved (by ordinary resolution): That the minutes of the last meeting, held 17/09/2022, be confirmed as a true and accurate record of that meeting.
MOTION CARRIED UNANIMOUSLY
- Committee Annual Report**
Resolved (by ordinary resolution): That the verbal annual Committee Report is approved.
MOTION CARRIED UNANIMOUSLY
- Election of Chairperson of Body Corporate**
Resolved (by ordinary resolution): That Brendan Wright be elected as Chairperson of the Body Corporate in accordance with Regulation (10)1 of the Unit Titles Regulations 2011.
MOTION CARRIED UNANIMOUSLY

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.

- Committee Number & Quorum**
Motion Put (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 three (3) or 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 two (2) or three (3).

Moved: Brendon Wright

Seconded: Annamarie Roberts

Amendment to Motion Put That until otherwise resolved by the Body Corporate in terms of the Unit Titles Act 2010, the Committee shall comprise of up to four (4) 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: Brendon Wright

Seconded: Annamarie Roberts

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 four (4) 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: Brendon Wright

Seconded: Annamarie Roberts

MOTION CARRIED UNANIMOUSLY

8 Election of Committee

Resolved (by ordinary resolution): That the following nominees be elected to the Committee.

Brendan Wright

Tony Sullivan

Annamarie Roberts

Laurel Rhodin

MOTION CARRIED UNANIMOUSLY

Managers Notes:

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.

9 General Delegation of Powers and Duties

Resolved (a) (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.

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.

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).

MOTION CARRIED UNANIMOUSLY

10 Re-Appointment of Body Corporate Manager

Resolved (by ordinary resolution): That the Body Corporate re-appoint Auckland Property Management Ltd as Manager for the following year to carry out the duties delegated to the Committee in terms of Section 108(2) of the Unit Titles Act 2010 and Regulation 11(1) of the Unit Titles Regulations 2011.

MOTION CARRIED UNANIMOUSLY

11 Insurance Discussion

Resolved (a) (by ordinary resolution): That the renewed insurance policies for the period 18/08/23 to 18/08/24 be confirmed.

MOTION CARRIED UNANIMOUSLY

(b) Resolved (by ordinary resolution): That the Body Corporate authorises the Committee (under its already delegated powers), or the Body Corporate Manager be authorised 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

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.

12 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 31/08/2023, be approved.

MOTION CARRIED UNANIMOUSLY

13 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.

MOTION CARRIED UNANIMOUSLY

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.*

14 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.

MOTION CARRIED UNANIMOUSLY

15 Health & Safety

Resolved health & Safety Report

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.

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

Resolved (by ordinary resolution): That the Administrative Fund budget be determined and approved being \$33,205.78 inclusive of GST and any levies raised are held in the Operating Fund.

MOTION CARRIED UNANIMOUSLY

17 Approval of Long Term Maintenance Fund Budget

RESOLVED (by ordinary resolution): That the Long Term Maintenance Fund budget be determined and approved a being \$3,122.48 including GST and any levies raised are held in the Long Term Maintenance Fund.

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 instalments due for payment on the:

- 1st November 2023
- 1st February 2024

The Body Corporate Manager shall issue invoices not less than 30 days prior to the due date for each instalment.

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.

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:

- *30 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

It was agreed that the Manager would help create a carpark site plan for the purpose of correctly identifying individual parking spaces for owners, residents and visitors.

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 Steven Garland directly on the following email steven@apm.kiwi and they will assist.

Steven Garland

Body Corporate Manager

CLOSURE: There being no further business, the chairperson thanked all those who had attended and declared the meeting closed at 10:44 AM.

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/>