



MINUTES OF THE ANNUAL GENERAL MEETING

BODY CORPORATE 209179 15 O'Sullivan Place, Waiuku, Auckland

The Annual General Meeting of Body Corporate 209179 was held at on Thursday, 07 November 2024 commencing at 12:00 PM.

Present:

Lot #	Unit #	Attendance	Owner Name Representative
2	2	Yes	Brendan Gareth Wright & Matusorn Leesuwantakel
8	8	Yes	O'Sullivan, Anthony
9	9	Yes	Rhodin Trust, Laurel Rhodin as Trustee
13	13	Yes	Jason & Janita Isaacs
14	14	Yes	Shaw, Donald Colin Patrick Proxy

In attendance: Shantel Kippen, Body Corporate Manager, apm Property Management

Minutes:

- Appointment of Chairperson for Meeting**
RESOLVED That Shantel Kippen be elected Chairperson of the meeting.
MOVED: UNIT 2
SECONDED: UNIT 9
MOTIONED CARRIED UNANIMOUSLY
- Proxies and Voting Papers**
RESOLVED That the proxies and voting forms be received.
MOVED: UNIT 8
SECONDED: UNIT 13
MOTIONED CARRIED UNANIMOUSLY
- Conflicts Register**
- Confirm Minutes of Previous Annual General Meeting**
RESOLVED That the minutes of the last meeting, held 06/12/2023, be confirmed as a true and accurate record of that meeting.
MOVED: UNIT 9
SECONDED: UNIT 8
MOTIONED CARRIED UNANIMOUSLY
- Committee Annual Report**
RESOLVED That the verbal annual Committee Report is approved.
MOVED: UNIT 13
SECONDED: UNIT 9
MOTIONED CARRIED UNANIMOUSLY
- Election of Chairperson of Body Corporate**
RESOLVED That [Brendan Wright](#) be elected as Chairperson of the Body Corporate in accordance with Regulation (10)1 of the Unit Titles Regulations 2011.

MOVED: UNIT 8
SECONDED: UNIT 9
MOTIONED 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.

7 Committee Number & Quorum

RESOLVED That until otherwise resolved by the Body Corporate in terms of the Unit Titles Act 2010, the Committee shall comprise of up 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: UNIT 8
SECONDED: UNIT 9
MOTIONED CARRIED UNANIMOUSLY

8 Election of Committee

RESOLVED That nominees be elected to the Committee.

ANTHONY O' SULLIVAN UNIT 8
LAUREL RHODIN UNIT 9

Were elected to the committee

MOVED: UNIT 2
SECONDED: UNIT 13
MOTIONED 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

(a) RESOLVED 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.

MOVED: UNIT 2
SECONDED: UNIT 9
MOTIONED CARRIED UNANIMOUSLY

(b) RESOLVED 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: UNIT 2
SECONDED: UNIT 9
MOTIONED CARRIED UNANIMOUSLY

(c) RESOLVED 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: UNIT 2

SECONDED: UNIT 9

MOTIONED CARRIED UNANIMOUSLY

10 Re-Appointment of Body Corporate Manager

RESOLVED 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.

MOVED: UNIT 2

SECONDED: UNIT 9

MOTIONED CARRIED UNANIMOUSLY

11 Insurance Discussion

(a) RESOLVED That the renewed insurance policies for the period 18/08/2024 to 18/08/2025 be confirmed.

MOVED: UNIT 8

SECONDED: UNIT 9

MOTIONED CARRIED UNANIMOUSLY

(b) RESOLVED That the Body Corporate authorises the Committee (under its already delegated powers), or the Body Corporate Manager to obtain quotations for the coming year and authorises the Committee to 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: UNIT 8

SECONDED: UNIT 9

MOTIONED 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 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 31/08/2024, be approved.

MOVED: UNIT 8

SECONDED: UNIT 2

MOTIONED CARRIED UNANIMOUSLY

13 Appointment of Auditor - If Required

RESOLVED 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: UNIT 2

SECONDED: UNIT 9

MOTIONED 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:

- *Auckland Property Management Ltd advises that as part of our internal controls and procedures, an external audit is completed 6-monthly on all funds held by apm. Each entity's funds are held in*

a separate bank account.

- *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

To consider the motion (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 FAILED - REQUESTED A QUOTE BE PROVIDED

15 Building Manager's Report

Please find attached the annual Building Manager's Report.

To consider the motion (by ordinary resolution): That the annual Building Manager's Report is received as tabled.

MOTION FAILED - BC DOES NOT HAVE A BUILDING MANAGER

16 Discussion of Common Maintenance Matters

Brendan - Fences need to be inspected & maintained required. - Brendan to get contractors to quote - Jason to send Brendan contact.

17 Health & Safety

Health & Safety Report

RESOLVED 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: UNIT 9

SECONDED: UNIT 8

MOTIONED 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.

18 Approval of Administration Fund Budget

RESOLVED That the Administrative Fund budget be determined and approved and any levies raised are held in the Operating Fund.

MOVED: UNIT 2

SECONDED: UNIT 9

MOTIONED CARRIED UNANIMOUSLY

19 Approval of Long Term Maintenance Fund Budget

RESOLVED That the Long Term Maintenance Fund budget be determined and approved and any levies raised are held in the Long Term Maintenance Fund.

MOVED: UNIT 2

SECONDED: UNIT 9

MOTIONED CARRIED UNANIMOUSLY

20 Striking of Levies and Number of Levy Instalments

RESOLVED 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 instalment due for payment on the:

- [12th November 2024](#)

The Body Corporate Manager shall issue invoices not less than 20 days prior to the due date for each instalment. [\[with exception to the levy due 12/11/2024\]](#).

MOVED: UNIT 2

SECONDED: UNIT 8

MOTIONED CARRIED UNANIMOUSLY

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

RESOLVED That Auckland Property Management Ltd be authorised to recover any unpaid levies or other outstanding expense items owed to the Body Corporate as per the below levy collection process, 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: UNIT 2

SECONDED: UNIT 9

MOTIONED 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.*
- **Legal debt recovery.** 77 days after the due date of the levy instalment, if the owner has not responded and/or payment is not forthcoming, legal action will commence. A debt administration fee of \$304.35 + 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.

22 **General Business**

- Brendan raised an issue with Unit 13 where residents were fabricating complaints and creating a hostile environment. A recent incident involved 3 children who entered the property and used the playground with permission. Brendan had a conversation with the children, explained that the playground was private property. Jason & Brendan agreed to discuss the matter further.*

CLOSURE: There being no further business, the chairperson thanked all those who had attended and declared the meeting closed at 01:19 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/>