



## ANNUAL GENERAL MEETING MINUTES

### BODY CORPORATE 404398

16-18 Enderley Avenue, Enderley HAMILTON 3214

### MEETING PLACE, DATE & TIME

Colliers, 69 Victoria Street, Hamilton, **28 September 2023 at 10:00 AM**

### PRESENT

Lot #	Unit #	Attendance	Owner Name	Representative
1	16A	Yes	Schooley, S & J	Stephen Schooley
6	18A	Yes	Sherman, Tracey	Tracey Sherman
9	18D	Yes	Sun, Ao	Proxy To Colliers

### QUORUM

Quorum of 25% was achieved.

### BODY CORPORATE CHAIRPERSON

Tracey Sherman

### MEETING CHAIRPERSON

Nicole Sinclair

### 1 QUORUM

The chair of the meeting recorded any apologies, proxies and postal votes received, as well as received the attendance register and confirmed that the meeting had a quorum.

### 2 PREVIOUS MINUTES

#### Ordinary Resolution

Resolved that the minutes of the last annual general meeting of the Body Corporate held on **26th of October 2022** were confirmed as a true record of the proceedings of that meeting.

#### Majority In Favour - Carried

### 3 MATTERS ARISING

- Spouting Flush - **Green Agenda \$264.50**
- Install Gas & Power Meter Signs - **New Zealand Sign Company \$272.94**

### 4 COLLIERS SERVICE AGREEMENT

Note: The Chairperson and Committee have various duties under the Unit Titles Act 2010 and associated regulations and operational rules. The appointment of a Body Corporate Manager is desirable in order to assist the Body Corporate, it's the Chairperson and Committee to comply with their responsibilities and ensure the proper management, administration and record keeping of the Body Corporate.

### **Ordinary Resolution**

Resolved that the Body Corporate appointed commercial Property Solutions Limited, trading as Colliers, as Body Corporate Manager to assist the Chairperson, Committee and Body Corporate to fulfil their duties under the Unit Titles Act and associated regulations, and to perform the role and services specified, in accordance with the Service Agreement supplied to the Body Corporate and that the Chairperson execute the Service Agreement on behalf of the Body Corporate.

### **Majority In Favour - Carried**

## **5 COMMITTEE REPORT**

The Body Corporate does not have a Committee therefore a report is not required.

## **6 ELECTION OF CHAIRPERSON**

Note: A Body Corporate must elect a Chairperson by ordinary resolution at every annual general meeting. The Chairperson has the duties in Regulation 11, subject to and delegation to the Body Corporate Committee, and is responsible for signing the management agreement appointing Colliers to manage the Body Corporate. Unless the body corporate decides by ordinary resolution that the body corporate committee shall elect the Chairperson of the committee, the chairperson shall be elected by the body corporate and will also be the chair of the body corporate committee.

Failure to appoint a Chairperson will result in various administrative difficulties, such as if the Body Corporate wishes to amend the Body Corporate Operational Rules and will fail to meet its obligations under the Unit Titles Act and Regulations.

No nominations have been received, a Chairperson will be elected at the meeting.

### **Ordinary Resolution**

Resolved that **Tracey Sherman** was elected as chairperson of the body corporate and body corporate committee and will serve as such until the earlier of the next AGM or their resignation.

## **7 ELECTION OF COMMITTEE**

Note: A Body Corporate with 10 or more principal units must form a Body Corporate Committee, unless, by special resolution, decides not to form a Body Corporate Committee.

### **Special Resolution**

Resolved that by special resolution, the Body Corporate decided not to establish a committee.

### **Majority In Favour - Carried**

## **8 PREVIOUS FINANCIAL STATEMENTS**

### **Ordinary Resolution**

Resolved that the financial accounts for the previous financial year were approved and adopted.

### **Majority In Favour - Carried**

## **9 INDEPENDENT REVIEW OF FINANCIAL STATEMENTS**

### **Special Resolution**

Resolved that by special resolution the Body Corporate agreed not to appoint an auditor and that section 132(2) of the Unit Titles Act 2010 will not apply for the financial statements of the previous financial year.

### **All In Favour - Carried**

## 10 BODY CORPORATE RULES

No changes to the operational rules have been proposed.

## 11 INSURANCE

Note: An insurance valuation is not required unless requested by the insurance underwriter. The valuation must include common property (including any common driveway) and car parks. A copy of the valuation for insurance purposes is available on written request.

### **Ordinary Resolution**

Resolved that for the purposes of insurance, the inflationary provision noted in the last valuation is applied at the time of renewal.

### **Majority In Favour - Carried**

### **Ordinary Resolution**

Resolved that the Body Corporate remains with the existing broker and that insurance is renewed according to the most cost effective cover.

### **Majority In Favour - Carried**

### **Ordinary Resolution**

Resolved that the Body Corporate is authorised to secure Office Bearers Liability Insurance with a cover of \$500,000.

### **Majority In Favour - Carried**

### **Ordinary Resolution**

Resolved that the unit owner is to pay any excess in the event of a claim except where the claim relates to common property, in which case the Body Corporate is to pay the excess.

### **Majority In Favour - Carried**

Note: A copy of the insurance policy schedule will be supplied once received and on request. Please read the policy schedule carefully, this is important to you and you need to ensure that the policy adequately covers you and your usage of the property. You must disclose all information that is relevant to the Insurer's decision to insure. Any questions around disclosure and/or change of use for your unit should be raised with your broker direct.

## 12 GENERAL MAINTENANCE

Resolved that the following maintenance items were discussed and will be actioned where instructed;

- Gutter Clean
- Catch Pit Clear

### **Majority In Favour - Carried**

### **EXTERIOR REPAINT**

The quote that was previously presented to owners and approved was for 16 A-E only and did not include 18 A - E, this was discovered prior to the start of the exterior painting and therefore Colliers instructed the contractor to postpone the start date to allow all owners to be presented with the updated quote at the AGM. The shortfall is to be discussed in the budget section of this agenda.

### **Ordinary Resolution**

Resolved that the Body Corporate engage the most cost-effective contractor to carry out the exterior repaint to all previously painted substrates to units 16 -18 Enderley Ave. Quote from JL Connolly - \$16,418.00.00 plus GST  
**Note:** The funds required to cover the extra costs were discussed under annual budget.

### **Majority In Favour - Carried**

## 13 HEALTH AND SAFETY

Under the Health and Safety at Work Act 2015, the Body Corporate has a duty to:

1. Identify hazards
2. Eliminate or minimise any hazards and where appropriate put controls in place; and
3. Regularly check the control measures are in place
4. Where an incident occurs or the workplace changes, there will be a review to your Health and Safety Solution.

No new Health and Safety items have been brought to the attention of the Body Corporate.

The Health and Safety Risk Register was last reviewed in 2021.

### **Ordinary Resolution**

Resolved that the Health and Safety Risk Register be reviewed by the most cost effective consultant.

### **Majority In Favour - Carried**

## 14 LONG-TERM MAINTENANCE PLAN

Note: As of May 2024 under the Unit Titles Amendment Act, all large bodies corporate (10 units or more) must have a compliant Long Term Maintenance Plan covering 30 years of future maintenance. Your existing plan can be amended during a review to cover this new regulation and the review period of 3 years will start from that point.

The Long-Term Maintenance Plan must be reviewed at least once every 3 years (Regulation 30(2)). If the Body Corporate becomes aware of a matter that may materially impact the Long Term Maintenance Plan, the plan must be reviewed as soon as reasonably practicable.

Unless resolved otherwise, the Body Corporate must also consult with a building professional, or other appropriately qualified professionals, when developing or reviewing the LTMP.

The Long-Term Maintenance Plan was reviewed in 2021 and is due for review in 2024.

### **Ordinary Resolution**

Resolved that the Body Corporate brings its Long Term Maintenance Plan review forward so the plan can be reviewed and amended at the same time to cover the 30 year regulation before May 2024 using the most cost effective professional.

### **Majority In Favour - Carried**

## 15 LONG-TERM MAINTENANCE FUND

### **Special Resolution**

Resolved that the Body Corporate **opts out** of the Long-Term Maintenance Fund for the current financial year by way of special resolution.

### **Majority In Favour - Carried**

## 16 OPTIONAL CONTINGENCY INVESTMENT FUND

### **Ordinary Resolution**

Resolved that the full amount collected for the Optional Contingency Fund in the previous financial year remain in a non-interest bearing account.

### **Majority In Favour - Carried**

**Note:** An annual tax return will be required for any interest earned and return charges will apply. The amount collected for the Optional Contingency Fund in the current financial year is held in a non-interest bearing account until the current financial year is completed.

## 17 ANNUAL BUDGET

### Ordinary Resolution

Resolved that the Body Corporate approved and adopted the proposed annual budget for the year stated and that the Body Corporate raise levies in accordance with a unit owner's utility interest. **See below changes to the body corporate rules :**

- Valuation - **\$700.00 to \$00.00**
- General Repairs & Maintenance - **\$2,000.00 to \$1,000.00**
- Sinking fund - **\$8,000.00 to \$9,000.00 (To cover extra cost for painting)**

### Majority In Favour - Carried

**Note:** The budget will be discussed and amended as instructed by owners at the meeting.

### Ordinary Resolution

Resolved that the Body Corporate Manager be authorised to pay line items identified in the adopted budget as and when they fall due but refer to the Body Corporate Members for approval for unexpected expenses outside of the budget.

### Majority In Favour - Carried

## 18 LEVY COLLECTION

### Ordinary Resolution

Resolved that the Body Corporate raise levies in accordance with the approved budget and agreed above, with levy payments due on the **20th of October 2023** and if insurance is levied separately, the insurance levy will be due 14 days from insurance levy being issued.

### Majority In Favour - Carried

Note: Non or late payment can affect insurance cover.

### Ordinary Resolution

Resolved that the Body Corporate is authorised to recover any unpaid levies owed to the Body Corporate, whether through Court, Tenancy Tribunal or otherwise. The collection costs, although recoverable by the Body Corporate from the defaulting unit owners, will need to be paid by the Body Corporate in the interim.

### Majority In Favour - Carried

### Ordinary Resolution

Resolved that the Body Corporate charge interest at the rate of 10% per annum as provided in Section 128 of the Unit Titles Act 2010 on any monies overdue (including charging interest to those on payment plans) together with any administrative and legal costs the Body Corporate may incur in recovering due debts.

### Majority In Favour - Carried

### GST

**Note:** Your Body Corporate is **not** registered for GST.

## **19 GENERAL BUSINESS**

Unless all eligible voters are present or represented by their proxies, any items raised at the meeting which are not included on the agenda cannot be voted on at the meeting.

No general business was put forward for the agenda.

### **CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 10:35 AM.

Please ensure you keep us informed of any changes to your contact details including your email address as all correspondence will be by email unless otherwise requested.