BODY CORPORATE ADMINISTRATION

- Level 3, 115 Queen Street, (Up Swanson Lane), Auckland
- P.O. Box 2322 Auckland 1140
- Phone +64 9 373 2336
- Fax +64 9 377 6743
- Mobile +64 21 612 336

Body Corporate Administration Limited > Body Corporate Secretary under Unit Titles Act 2010

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MINUTES OF ANNUAL GENERAL MEETING
HELD IN ACCORDANCE WITH THE UNIT TITLES ACT 2010

BODY CORPORATE No. 143180
PROPERTY AT: 59 St George's Bay Road, Parnell

AN ANNUAL GENERAL MEETING of this body corporate was held under the Unit Titles Act 2010 in the offices of Body Corporate Administration Limited, 3rd Floor, 115 Queen Street, Auckland City on Thursday 3rd May 2018, commencing at 2:00 p.m.

PRESENT: As per Attendance List completed by owners:
Marie & Graham Fisken, Steve Taylor, James Bilkey and Alan Bilkey.

Paula Beaton represented Body Corporate Administration Ltd.

	Minutes	Action Point
1.	**CHAIR: Paula Beaton chaired the meeting**	
2.	**CONFIRMATION OF QUORUM:** James Bilkey held a proxy from John Davidson (Unit PU12) Alan Bilkey held a proxy from Robert Davidson (Unit PU11) Postal Voting Forms were received from: - Jennifer & John Heard (Unit GE); - Michael Ward (Unit GC); - Olivia Mansfield (Unit GB); - And from Andrew & Eva Dreaver (Unit GA). A quorum was established.	
3.	**RESOLUTION 1 – APPOINTMENT OF CHAIRPERSON:** It was resolved by the Body Corporate by ordinary resolution that Alan Bilkey (Units PU13 & PU15)	

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	be appointed as Chairperson and he consented to the position of Chairperson. **Moved: Steve Taylor** **Seconded: James Bilkey** **Carried**	
4.	**RESOLUTION 2 – DUTIES OF CHAIRPERSON:** It was resolved by ordinary resolution that the Chairperson carry out the following duties, being only a portion of those duties described at Regulation 11: (a) to chair each general meeting (unless it is agreed at the start of a general meeting that another person will chair the meeting); (b) to notify the body corporate committee of any delegation of a duty or power by the body corporate to the body corporate committee under Section 108 of the Act. (The "Chairperson's Duties") **Moved: James Bilkey** **Seconded: Graham Fisken** **Carried**	
5.	**RESOLUTION 3 – MINUTES OF PREVIOUS AGM:** It was resolved by the Body Corporate by ordinary resolution that the Minutes of the Annual General Meeting of this body corporate held in the offices of Body Corporate Administration Ltd, 3rd Floor, 115 Queen Street, Auckland City, on Monday 15th May, 2017 commencing at 2.00 p.m., be accepted and adopted as a correct record of that AGM. **Moved: Graham Fisken** **Seconded: Steve Taylor** **Carried**	
6.	**RESOLUTION 4 – CONSTITUTION OF COMMITTEE:** It was resolved by the Body Corporate, by ordinary resolution that up to 3 unit title owners be appointed to hold offices as committee members and together shall constitute the Body Corporate Committee (the "Committee") and that the quorum for meetings of Committee shall be at least 2 committee members. **Moved: Steve Taylor** **Seconded: James Bilkey** **Carried**	
7.	**RESOLUTION 5 – APPOINTMENT OF COMMITTEE MEMBERS:** It was resolved by the Body Corporate by ordinary resolution that the Committee is to comprise: Robert Davidson (Unit 11); its.a.rob@gmail.com; davidsonrb@gmail.com John Davidson (Unit 12); johndavidson18@gmail.com James Bilkey (Unit 14); jamesbilkey@hotmail.com **Moved: Graeme Fisken** **Seconded: Steve Taylor** **Carried**	

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8.	**RESOLUTION 6 – DELEGATION TO THE COMMITTEE:** It was proposed by the Body Corporate by special resolution that the powers that have been delegated are all of the duties and powers of the Body Corporate (except those excluded by s.108(2)). The delegation endures until the end of the next AGM, and the Committee shall report at least once prior to or at the next AGM for the Body Corporate on the delegation. This statement is evidence of the Body Corporate Committee's authority to perform each duty or exercise each power that has been delegated. **NOT CARRIED**	
9.	**RESOLUTION 7 – LONG TERM MAINTENANCE PLAN:** BCA Ltd obtained a quote from Solutions in Engineering for a Long Term Maintenance Plan Review at the cost of $978.00 including GST. There is a slight crossover and there needs to be a LTMP to cover the infrastructure. The infrastructure is the sewage and gas lines. Alan Bilkey and James Bilkey will review the LTMP to ensure compliance with the Act. There will be one plan done for the entire complex with two different areas. The following was resolved and/or discussed in regards to Long Term Maintenance (as per pages 40 and 41 of the agenda): **RESOLUTION 7(1) – LONG TERM MAINTENANCE PLAN** It was proposed and subsequently resolved: a) That the LTMP is divided into two parts being firstly Part A – Unit A; Unit C; Unit D; Unit E; and secondly Part B – Unit B; Unit F; PU 11; PU 12; PU 13; PU 14; PU 15 and each part resolves how they wish to fund their part of the LTMP. b) That the current LTMP fund be returned to those who contributed in proportion to their contributions to date. c) That Part A contribution is agreed at the AGM: agreed to be NIL. d) That Part B contribution is to be funded as required: agreed at the AGM to be NIL. **Carried** **As per Agenda Documentation:** Discussion 1 – LTMP The Body Corporate is required to have a long term maintenance plan, but the current plan does not respect the circumstances nor the actual way that the Body Corporate operates.	**Alan / James**

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	There was a substantial majority for the Unit Titles to be cancelled and reformed as Fee Simple Titles. I would like the LTMP to be changed into two parts and funded as required in the same manner that it would be dealt with if we had Fee Simple Titles. The fund had been collected on a basis for the whole Unit Plan but if say AU 1 needed maintenance only the four lower units would be required to fund that work. Similarly for AU 10 (previously AU 3 plus with the entrance strip included) the seven Units off the top driveway would have top fund the work. The current plan has many items that are not being actioned, but money is being collected for those items : - Driveway surface cleaning; Repair Concrete surface; Topcoat Bitumen driveway (which was not part of the Body Corp); Reinstate spoon drain (Steve's works on AU 1 completed); Replace stormwater grates; repair fences; repair timber retaining walls; Repair block retaining walls; Prune trees. Prepaying for these works, which are not being done, means interest is collected and the tax return needs to be sorted and signed for. If it was a nil return the Chairperson could sign it. It costs us more money in the tax return that what we collect in interest. The major works shown in the LTMP costings are probably about right but the time frame between these needing to happen is extremely short. For example – top coat bitumen driveway every 5 years. Twenty five years is more likely.	
10.	**RESOLUTION 8 – BODY CORPORATE INSURANCE:** **As per Agenda Documentation:** Proposed Resolution 2 – Insurance By Special Resolution, the Body Corp resolves, pursuant to Section 137 of the Unit Titles Act, that from the date of the end of the existing Insurance held by the Body Corp covering all of the units, each Unit Holder shall insure all their improvements against destruction or damage. Proposed Resolution 3 – Insurance By Special Resolution, subject to Proposed Resolution 2 not being accepted, the Body Corp resolves, pursuant to Section 137 of the Unit Titles Act, that from the date of the end of the existing Insurance held by the Body Corp covering all of the units, a Unit Holder may, by giving the Body Corporate 14	

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	days notice in writing, insure all their improvements against destruction and damage. The Body Corporate will insure the remaining properties and all costs of such insurance will be borne by those remaining properties. Discussion Topic 2 & 3- Insurance Because all units are all stand alone and there is no common property, the unit holders may insure their own properties. The investigation done by James (PU 14) at the last assessment showed that is was significantly cheaper than what the Body Corp was offering. Furthermore getting a policy that covers Home and Contents is cheaper than having two separate policies. There are now policies of Home Contents and Car which will be an even bigger saving for some. Option 3 allows any who wish to stay with the Body Corp scheme to stay without limiting the other Unit Holders. The intent of these resolutions is to allow the Unity Holders to take the benefits of a fee simple title and retain the benefits of a Unit Title. Owners are to arrange individual insurance for their units from 10th May 2018. Suggested brokers are as follows: - Rothbury Insurance Brokers (0800 326 753) - AON (0800 266 276) - Marsh (09-928 3000) - Apex General Insurance Brokers (09-520 9441) - Crombie Lockwood (0800 276 624) - Tower (0800 379 372) - AMI (09-262 4964) - AA (0800 500 231) BCA Ltd is not required to obtain any further valuations, however BCA Ltd is to place Office Bearers' Liability cover at the cost of $851.00 including GST, with Vero Insurance via Apex General Insurance brokers. There is a $1,000.00 excess. Refer to Matters Subsequent to Minutes.	**Individual owners** **BCA Ltd**
11.	**RESOLUTION 9 – APPROVAL OF FINANCIAL STATEMENTS:** It was resolved by the Body Corporate by ordinary resolution that the financial statements for the financial year 01.03.2017 to 28.02.2018 be adopted and approved. **Moved: Alan Bilkey** **Seconded: Graham Fisken** **Carried**	

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12. RESOLUTION 10 – AUDIT OF FINANCIAL STATEMENTS:

It was resolved by the Body Corporate, by special resolution, that in accordance with Section 132(8), Section 132(2) will not apply to the financial statements of the Body Corporate for the financial year 01.03.2017 to 28.02.2018.

Moved: Alan Bilkey **Seconded: Graham Fisken** **Carried**

13. RESOLUTION 11 – BODY CORPORATE LEVIES:

It was resolved by the Body Corporate by ordinary resolution that the levies to be imposed on each unit title owner until the next general meeting will be as per the 2018/2019 budget.

Moved: James Bilkey **Seconded: Steve Taylor** **Carried**

BUDGET:

Items (GST inclusive)	**Budget 2018/ 2019 12 Months**	**Comments**
	$	
Administration Fee	2,100.00	As agreed
Insurance Premium	0.00	As agreed at meeting (owners to place insurance individually)
Insurance Valuation	782.00	As per actual invoice from Opteon Solutions
Office Bearers' Liability	851.00	As per actual quote from Vero via Apex
TOTAL	**$3,733.00**	**Including GST**

Moved: James Bilkey **Seconded: Graeme Fisken** **Carried**

BCA Ltd is to arrange for transfer of the Long Term Maintenance Funds as detailed to the individual properties.

LEVIES:

- Subject to sufficient funds, the Body Corporate Manager was authorised to pay accounts for the body corporate as they fall due and to issue invoices to proprietors from time to time to recover their respective proportionate share of costs set by the budget in accordance with section 84(1) of the Unit Titles Act 2010.

- The levies are due on 30th June 2018.

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	• The Body Corporate Manager advised that a levy statement will be distributed to owners with a copy of the minutes and that payment of the levy for the forthcoming year should be paid by the date stipulated so that the insurance premium can be paid. • The Act stipulates that if a levy is not paid by the due date, the defaulting owner is in breach of the Act and legal action can be enforced. This may be referred to the Tenancy Tribunal depending on the amount in dispute.	
14.	**RESOLUTION 12 - NONPAYMENT OF LEVIES** It was resolved by the Body Corporate by ordinary resolution, that if any levies authorised by this or any other general meeting of the Body Corporate are not paid by a proprietor on the due date, the Body Corporate Manager is authorised and instructed on behalf of the Body Corporate to exercise those powers conferred on the Body Corporate by Sections 121 and 124 of the Act including the recovery of any costs expended as a result of that proprietor's default pursuant to Section 127 of the Act. **Moved: James Bilkey** **Seconded: Steven Taylor** **Carried**	
15.	**RESOLUTION 13 - 10% INTEREST** It was resolved by the Body Corporate by ordinary resolution, that the interest recoverable pursuant to Section 128 of the Act on such unpaid levies be resolved at 10% per annum. **Moved: James Bilkey** **Seconded: Steven Taylor** **Carried**	
16.	**RESOLUTION 14 - APPROVAL OF CREDITOR INVOICES** It was resolved by the Body Corporate by ordinary resolution, that the Body Corporate Manager be authorised to pay line items in the budget as and when they fall due but refer to the Body Corporate Committee for approval for unknown amounts for the balance of budget items. **Moved: James Bilkey** **Seconded: Steven Taylor** **Carried**	
17.	**RESOLUTION 15 – SECTION 126 ONCHARGES** It was resolved by the Body Corporate by ordinary resolution, that the Body Corporate Manager be authorised to recover debts from expenditure for the benefit of a unit or units in accordance with Section 126 of the Act where it determines on behalf of the Body Corporate that one or more of the units has benefited from such expenditure substantially more than other units. **Moved: James Bilkey** **Seconded: Steven Taylor** **Carried**	

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18.	**RESOLUTION 16 – APPOINTMENT OF AGENT FOR TENANCY TRIBUNAL:** It was resolved by the Body Corporate by ordinary resolution that Neilson Law be appointed to represent the Body Corporate for the Tenancy Tribunal as and when required. **Moved: James Bilkey** **Seconded: Steven Taylor** **Carried**	
19.	**RESOLUTION 17 – HEALTH AND SAFETY REPORT & ASBESTOS** At the last AGM it was resolved to not proceed with a Health & Safety Report. As a result of the new Health and Safety at Work (Asbestos) Regulations 2018 (from 4th April 2018), BCA Ltd obtained a quote from Solutions in Engineering for the completion of an Asbestos Survey with additional costs of $578.00 including GST for a register and an Asbestos Management Plan (only applicable if asbestos is found onsite). It was resolved not to proceed with this quote. **Carried**	
20.	**OTHER BUSINESS:** a) <u>Rental of N-59: Raised by Steve Taylor</u> The owners discussed the rental of N-59 (Olivia Gaston) as two separate households. Steve Taylor will be pursuing advice as to his legal options. There being no further general business, the meeting closed at 3.10 p.m.	**Steve Taylor**
	Points to be Actioned: • BCA Ltd is not required to obtain any further valuations, however BCA Ltd is to place Office Bearers' Liability cover at the cost of $851.00 including GST, with Vero Insurance via Apex General Insurance brokers. • BCA Ltd to follow up on the 2019 AGM date Matters Subsequent to Minutes • BCA Ltd had advised owners that they need to arrange their own insurance.	

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Body Corporate Administration Limited > Body Corporate Secretary under Unit Titles Act 2010

Invoice

Invoice To:

Andrew Allen Bruce Dreaver & Eva Kleinhans-Dreaver
andy_dreaver@yahoo.co.uk

Tax Invoice No.:	INV78282
Invoice Date:	29/05/2018
Due Date:	30/06/2018
Unit Number:	59STGA
Known As:	A

BODY CORPORATE: 143180

PROPERTY AT: 59-67 St Georges Bay Road, Parnell, Auckland

Annual Levy (Levy Period 10/05/2018 to 10/05/2019)

Description	100.00% of Budget	% Share	Amount
Administration / Secretarial Fee	$2,100.00	10.19%	$213.94
Insurance Office Bearers Liability	$851.00	10.19%	$86.70
Insurance Valuation Fee	$782.00	10.19%	$79.67

*Please note Your Annual Levy is $380.31

***It would be appreciated if you could use the following references with your payment:**
Particulars (Body Corporate No.): 143180
Ref (Unit No.): 59STGA
Code (Name): Andrew Allen Bruce Dreaver & Eva Kleinhans-Dreaver

1. Please scan the QR code on the invoice via the QR code scanner APP (or download the APP from the APP store if you do not have one).
2. This will then direct you to the payments portal where you can process your levy payments.

Total Budget:	$3,733.00
Sub Total:	$380.31

CUT ALONG HERE

Penalty interest 10% per annum will be charged on any overdue amount

Payment due date is 30/06/2018

Total Amount: $380.31
*(All costs are GST inclusive)

Please deposit into the following account and quote your unit number as a reference

If paying by cash, credit card or EFTPOS:
Our office is at:
Level 3, 115 Queen Street
(Up Swanson Lane) Auckland

*Please note that a 3% surcharge will be incurred for credit card payments.

If paying by cheque please attach this remittance advice and make cheques payable to:
Name:
Bank:
Account:

Body Corporate 143180
C/- Body Corporate Administration Ltd
P O Box 2322 Auckland 1140

For Electronic Payments:

Name: BCA Ltd Westpac Trust
Bank: Westpac, Queen Street
Account: 03-0104-0982096-07
Particulars (Body Corporate No): 143180
Ref (Unit No.): 59STGA
Code (Name): Andrew Allen Bruce Dreaver & Eva Kleinhans-Dreaver
SWIFT: WPACNZ2W