2024 ANNUAL GENERAL MEETING MINUTES

BODY CORPORATE 196030

118-128 Broadway

118-128 Broadway, Newmarket, Auckland

As required under the Unit Titles Act 2010 and the Unit Titles Amendments Act 2022, the Annual General Meeting for your Body Corporate was held as detailed below:

Date:	**Thursday, 07 November 2024**
Time:	**6:00pm**
Venue:	**Parnell Community Centre, The Jubilee Building, Hobson Room, 545 Parnell Road, Parnell, Auckland, 1052, (No Zoom).**

Attendees: Yoshiko Kawasaki (10, 6A79), Sharon Lau (34, 6A85, 6A86), Chi Wah Wong (3D4, 3D5), Antonia Wong (4C, 5B39, 5B40), Klaus Chen (25, 6A30, 6A31), Selina Chan (5, 6A66, 6A65), Winnie Yi (32, 35, 6A45, 6A83, 6A12, 6A13, 6A46), Grace/ Number 8 Leek Street Ltd. (3D6, 3D69, 6A47), Ansumalee Buranasetakul (31, 6A15, 6A16), Ling How Gen (4C72), Jennifer Tham (3D12 & 3D13), Lucy Zhang (37, 6A10, 6A11 42, 6A5, 6A93), Kee Lam (3, 6A67, 6A68, 8, 6A77, 6A78, 39, 6A8, 6A9), Phil Liu (33, 4C52), Danny Teo (5B53), Donghe Yang (17, 6A20, 6A21), Rainbow Zhong (23, 28, 3D39), Yi Mok & George Tseung (29, 6A18, 6A19), Eva Ho (3C, 5B25, 5B26, 5B27, 5B37)

Davina Aspinall (BCM) – representing Auckland Body Corporate

AGM Minutes

1 **Appointment of Chairperson for meeting**
<u>It was resolved:</u> That Davina Aspinall representing Auckland Body Corporate shall chair the meeting.

2 **Confirmation of Meeting Quorum**
The Chairperson confirmed that the meeting was quorate.

3 **Apologies, Proxies and Voting Forms**
<u>Postal Voting Forms</u> – 4C72, 3D11, 3D12, 3D13, 3D71, 5B9, 3D15, 3D16, 3D22, 3D44, 3D45, 3D46, 3D47, 3D48, 3D55, 3D56, 3D57, 3D58, 3D59, 3D60, 3D63, 3D64, 3D65, 3D66, 3D67, 3D70 and 3D71.
<u>Proxies</u>

- **In favour of Davina Aspinall –** 1F2, 1F3, 1F4, 1F5, 1F6, 1F7, 1F8, 2E1, 2E2, 2E3, 2E4, 2E5, 2E6, 3D17, 3D18, 3D19, 3D49, 3D50, 3D51, 3D52, 3D53, 3D54, 3D76, 3D79, 3D80, 3D81, 3D82, 3D83, 3D84, 3D86, 3D87, 3D90, 3D91, 4C38, 5B70, 5B71, 1, 16, 6A1, 6A2, 6A22, 6A23
- **In favour of Kee Lam –** 4, 12, 18, 20, 22, 27, 30, 36, 38, 40, 41, 6A73, 6A74, 6A57, 6A58, 6A28, 6A29, 6A40, 6A41, 6A42, 6A36, 6A37, 6A26, 6A27, 6A81, 6A82, 6A87, 6A88, 6A89, 6A90, 6A91, 6A92, 6A6, 6A7.
- **In favour of Eva Ho –** 1C, 2C, 5B19, 5B20 5B21, 5B22
- **In favour of Danny Teo –** 5B53

It was resolved: That the apologies, proxies and voting forms be accepted.

4 Election of Body Corporate Chairperson

A special thanks was given to Kee Lam for all the time and effort he has put into the Body Corporate and all the contributions he has made in the last year.

It was resolved: That in accordance with section (10) 1 of the regulations the Body Corporate elects **Kee Lam** as Chairperson of the Body Corporate at the meeting.

5 Election of Committee

A vote was taken at the meeting to choose 6 of the 7 nominees.
Chi Wah Wong received the least votes and therefore did not make the Committee. We thank Chi Wah Wong for putting her name forward.

It was resolved: That the Body Corporate elects a committee, in accordance with section 112 of the Unit Titles Amendment Act of not more than six (6) members which shall have a quorum necessary for the transaction of the business of the Committee of four (4) members, and that the following nominees be elected to the Body Corporate Committee, until the following AGM.

List nominees	Unit No
Yoshiko Kawasaki	10
Roger Harvison	20
Phil Liu	33
Sharon Lau	34
Kee Lam	8 & 39
Eva Ho	3C -128 Broadway

6 Delegation of Powers and Duties

a. It was resolved by special resolution: That the Body Corporate delegates to the Committee all 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.

b. It was resolved by special resolution: That the Body Corporate delegates to the Committee all the duties and powers save those powers reserved to the body corporate under section 108 (2).

The following duties may not be delegated by the Body Corporate

- The general power of delegation
- The reassessment of ownership interest and utility interest
- The duty of the Body Corporate to comply with the Body Corporate Operational Rules
- The application of insurance monies in or towards the reinstatement of the development
- Any matter that the Act provides that the Body Corporate must decide by special resolution.

c. It was resolved: That this delegation does not empower the Chairperson or Committee to overturn, rescind, or change any resolution passed by the Body Corporate at a general meeting, in particular any matter decided via special resolution, or act in contradiction of the operational rules of the body corporate, or to contravene any matters noted in section

108 (2) of the Act.

d. It was resolved: That the Body Corporate indemnifies the Committee and the Chairperson for any liability incurred by either of them 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 Act and 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), 149 and 149A of the Act.

7 Re-Appointment of the Body Corporate Manager

It was resolved: That the Body Corporate re-appoint Auckland Body Corporate Limited as Manager in accordance with Section 157B of the Act for the following year to carry out the duties delegated to the Committee in terms of section 108(2) and Regulation 11(1), and that the Body Corporate Manager will act in accordance with sections 114A-J of the Unit Titles Amendment Act 2022, and that the Manager is appointed agent for the Body Corporate for the preparation and filing of tax and GST returns as required. Auckland Body Corporate Ltd has authority to obtain information from Inland Revenue Department on behalf of the Body Corporate.

8 Body Corporate Reinstatement Insurance

The Insurance Renewal Quotation was tabled and discussed at the meeting.

Approving the insurance as per the quote:

a. It was resolved: That the Body Corporate approve placement of the renewal insurance with NZI/Zurich via Marsh Brokers at the quoted premium of **$150,505.42** for the period **30 November 2024 to 30 November 2025**

Insurance Valuation:

Auckland Body Corporate recommends that the Body Corporate undertakes an annual insurance valuation to ensure the complex is insured for the full current reinstatement value.

b. It was resolved: That the body corporate undertakes an annual insurance valuation for the insurance period **30 November 2025 to 30 November 2026.**

9 Insurance Excess

It was resolved: That the owner, and not the Body Corporate, is to pay any excess in the event of a claim except where a claim relates to common property in which case the Body Corporate is to pay the excess, except that if the damage being claimed is attributable to the actions or inactions of an owner(s) or their resident(s), then the owner(s) of the unit is to pay the excess.

10 Financial reports

The year end 31 August 2024 financial reports were tabled and discussed.

It was resolved: That the Body Corporate approves the financial reports for the period **01 September 2023 to 31 August 2024.**

Please Note: There is an internal transfer in expenditure. It is a surplus of $54,998.24 rather than a deficit for the period

11 Appointment of Auditor

It was resolved by special resolution: That **no** independent auditor be appointed to audit the books of accounts held and administered by the Manager for the period 01 September 2023 to 31 August 2024.

12 Long Term Maintenance

The Body Corporate have an LTMP prepared by Solutions in Engineering. This plan needs to be reviewed every three years and is due for the review in August 2025.

It was resolved: That the Committee and/or Building Manager review the Long-Term Maintenance Plan prepared by Solutions in Engineering in August 2022 in accordance with the requirements of Regulation 30 (2) of the Unit Titles Regulations 2011 and Section 157D of the Act.

13 Health & Safety

Under the Health & Safety at Work Act 2015 (Act) Bodies Corporate are considered PCBU's (Person Conducting a Business or Undertaking) and fall under the requirements of this legislation. All Bodies Corporate have a duty of care to everyone who lives in, visits, or works in the common area of their building. The Body Corporate has completed a Health and Safety report which is available at any time on MyCommunity. The Body Corporate Committee will review the health and safety report, prioritise actions and update the hazard register accordingly. Committee members (or at least some of them, depending on their roles) will be "Officers" (persons who exercise significant influence over the management of the body corporate). Officers must exercise due diligence to ensure the body corporate complies with its duties/obligations.

It was resolved: That the Body Corporate authorises the Committee and or Building Manager to review and update the Health & Safety Report.

It is recommended that the Health & Safety report is updated every three years, and especially after any remediation work is undertaken on site.

14 Approval of Budget

The year end 31 August 2025 budget was tabled and discussed.

It was resolved: That the total budget for the financial year 01 September 2024 to 31 August 2025 be determined and approved at $725,760.18 excl GST being comprised of an Administrative Fund budget of $575,760.18 excl GST and a Long-Term Maintenance Fund budget of $150,000.00 excl GST.

15 Striking of Levies and Number of Levy Instalments

It was resolved: That the levy be raised on a utility interest basis **in two (2) equal instalments** due for payment on **01 January 2025** and **01 May 2025**.

Levy payments should be submitted in one sum on or before the levy due date and not paid via small instalments unless approved by the Committee.

16 Debt Collections and Penalty Interest.

Please refer to the debt collection process at the bottom of these minutes.

It was resolved: That Auckland Body Corporate Ltd is authorised to recover any unpaid levies or other unpaid debt owed to the Body Corporate, whether through Court or Tenancy Tribunal or otherwise, and to levy interest at the rate of 10% per annum as provided in Section 128 of the Unit Titles Act 2010 on any monies outstanding and that all costs, debt administration fees and expenses involved in the recovery shall be charged against the defaulting proprietor in full in accordance with Section 124 (3) of the Unit Titles Amendment Act, and that Price Baker Berridge, or other lawyers appointed by the Committee, act as duly appointed agents for the Body Corporate where required for debt collection.

17 General Business

- **Electricity (Common Power & EV Charging)** – The Committee are currently in the process of getting alternative quotes for the common power electricity. We are currently in the process with Wilson Parking to be reimbursed for the electricity used for the EV charging stations with our common power electricity.
- **Dogs/Pets** – A reminder to all owners that's we do not allow pets at 118-128 Broadway. If we are notified of pets living in units, you will receive a warning than a breach notice will follow which will incur a fee.
- **Levies in Arrears** – Currently 13 Owners in Level 4 of the Debt Collection process. We expect to recover majority of these costs if not all before next years AGM.
- **Inorganic Rubbish** – A reminder to all owners of the station built by Vincent for Inorganic Rubbish this will be open quarterly for owners to get rid of any inorganic items, please make use of this service and do not dump your rubbish around the complex or carpark areas as this is a Health and Safety Issue. We will oncharge units for the removal of their rubbish if you are caught dumping rubbish.

18 Communication

It was resolved: That if Auckland Body Corporate has an email address on file for an owner, all correspondence will be sent by email only and not by post, however if Auckland Body Corporate is notified in writing by an owner that correspondence is to be sent to them by post, this request will be actioned, and no information will be sent to that owner by email.

19 Minutes to be a Record

It was resolved: That if within thirty days of the distribution of the minutes the Manager does not receive any written request from a person attending the meeting to amend the minutes, that the minutes are adopted as a true and accurate record of the resolutions at the Annual General Meeting.

20 Next AGM Date

The next years' AGM will be held at **6:00pm** on **5 November 2025.**

21 Meeting Closure

With no further business to discuss Davina Aspinall thanked all the owners present for their attendance and participation and declared the meeting closed at 07:15pm.

Davina Aspinall
Body Corporate Manager
Auckland Body Corporate

Auckland Body Corporates levy recovery process is as follows:
Owners will be notified by email to the email address recorded with Auckland Body Corporate of all levies and/or invoices due. The same email 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 Auckland Body Corporate. It is the responsibility of the owner to ensure that Auckland Body Corporate 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:

- **Stage 1 debt recovery - DC1**. 7 days after the due date of the levy instalment, a reminder will be sent out that the levy instalment is past due. Interest at the rate of 10% per annum will accrue from the due date.

- **Stage 2 debt recovery - DC2.** 14 days after the due date of the levy instalment, if payment is still outstanding, a further letter notice will be sent to the registered owner requesting payment. A debt administration fee of $115 incl GST will be charged to the unit.

- **Stage 3 debt recovery – DC3.** 28 Days after the due date of the levy instalment, if payment is still outstanding, a further letter notice will be sent to the registered owner. In addition, Auckland Body Corporate will attempt to contact the owner by an alternative contact method. A debt administration fee of $250 incl GST will be charged to the unit.

- **Stage 4 - Impending Legal Action.** 42 days after the due date of the levy instalment, 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 if payment is not received within seven days. A debt administration fee of $250.00 incl GST will be charged to the unit. Any legal costs incurred are payable by the registered owner.

- **Handover** - 49 days after the due date of the levy instalment, if contacting the owner is unsuccessful and/or payment is not forthcoming the file will be handed over to a solicitor for collection. An administration fee of $287.50 incl GST will be charged to the unit.

The above process is to be used as a guide only and is subject to change depending upon individual requirements of the Body Corporate/Society.

Please visit our web site for additional information under client resources:
http://www.aucklandbodycorporate.co.nz/

Guide to Unit Titles Act:
https://www.tenancy.govt.nz/assets/Uploads/Tenancy/short-guide-to-unit-titles.pdf