



## ANNUAL GENERAL MEETING MINUTES

### BODY CORPORATE 417076

28 Enderley Avenue, Enderley HAMILTON 3214

### MEETING PLACE, DATE & TIME

Colliers, 69 Victoria Street, Hamilton on **28 November 2023 at 01:00 PM**

### PRESENT

Lot #	Unit #	Attendance	Owner Name	Representative
3	3	Yes	O'Connor, Grant and Lisa	Lisa O'Connor via zoom
5	5	Yes	Pearse, Xueying and James	James Pearse via zoom

### QUORUM

Quorum of 25% was achieved.

### BODY CORPORATE CHAIRPERSON

Lisa O'Connor

### MEETING CHAIRPERSON

Chevone Lourens

#### 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 01 November 2022 were confirmed as a true record of the proceedings of that meeting.

##### Majority In Favour

Carried

#### 3 MATTERS ARISING

- 06/2022 - Building Wash, Gutter Clear, Mould Kill & Exterior Insect Treatment - **Grime Off - \$2,139.00**

#### 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

### Ordinary Resolution

That the committee report and exercise of delegated duties and powers were received and accepted.

**Not Carried** - No report supplied

## 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 were received, a Chairperson was elected at the meeting.

### Ordinary Resolution

Resolved that **Lisa O'Connor** has been re-elected as chairperson of the body corporate and body corporate committee and serve such until the earlier of the next AGM or their resignation

**Majority in Favour**

**Carried**

## 7 ELECTION OF COMMITTEE

Note: A Body Corporate with 9 or fewer principal units may, but is not required to form a Body Corporate Committee.

### Ordinary Resolution

Resolved that 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 be approved and adopted

**Majority in Favour**

**Carried**

## 9 INDEPENDENT REVIEW OF FINANCIAL STATEMENTS

### Special Resolution

Resolved that by special resolution the Body Corporate agree 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 the Body Corporate remains with the existing broker and that insurance is renewed as per the brokers recommendation

**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 be discussed and actioned where instructed (as per the LTMP);

- Gutter Clean & Spider Spray - June 2024 - Grime Off - Admin Fund
- Clean Stormwater Catchpits - June 2024 - Grime Off - Admin Fund

**Majority in Favour**

**Carried**

**Note:** Quote to be supplied with minutes for the above works to take place.

- Driveway - bitumen surface repair and reprofile (total: 370 m2) -20% - Most Cost Effective Contractor - February 2024 - Sinking Fund
- Common and boundary fence repairs (total: 170 lm) -20% - Most Cost Effective Contractor - February 2024 - Sinking Fund

**Note:** To be quoted and sent to the Body Corporate for a decision should the need arise

**13 HEALTH AND SAFETY**

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

- Identify hazards
- Eliminate or minimise any hazards and where appropriate put controls in place; and
- Regularly check the control measures are in place
- 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 2020.

**Ordinary Resolution**

That the Health and Safety Risk Register be reviewed by the most cost effective consultant

**Majority Against**

**Not Carried**

**Note:** To be deferred to 2024

Notes:

- Although Colliers strongly advise against it, the body corporate has decided to not review the risk register as an obligation under the Health and Safety at Work Act 2015. These minutes act as a record of that decision.
- If a Committee Member or Body Corporate member choose to review the H&S register themselves and look for hazards themselves, they would be taking on this duty under the HSWA 2015 as an officer of the PCBU. Should they fail to identify a risk and someone hurts themselves or is killed, that individual, as an officer, is liable as is the PCBU and fines can range significantly up \$1.5 million for each offence under the Act. Individual members choosing to take on the task of H&S can be fined themselves.

**14 LONG-TERM MAINTENANCE PLAN**

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.

**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

**All in Favour**

**Carried**

**16 OPTIONAL CONTINGENCY INVESTMENT FUND**

**Ordinary Resolution**

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

**Majority in Favour**

**Carried**

**17 ANNUAL BUDGET**

**Ordinary Resolution**

Resolved that the Body Corporate approve and adopt the proposed annual budget for the year stated, which is to be discussed and possibly amended during the AGM.

**Majority in Favour**

**Carried**

**Ordinary Resolution**

Resolved that the Body Corporate raise levies in accordance with a unit owner's utility interest

**Majority in Favour**

**Carried**

**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 Committee 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 January 2024** and if insurance is levied separately, the insurance levy will be due 14 days from insurance levy being issued.

**Note:** Non or late payment can affect insurance cover. A payment plan can be setup with Colliers if required.

### 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.

The following general business was put forward for the agenda:

- Following on the changes to the Unit Titles Act 2010 that that came into effect on 09 May 2023. Colliers and Committee members are required to disclose if there is a conflict of interest. The registers attached are an indication of the records held by Colliers.

## CLOSURE

There being no further business, the Chairperson declared the meeting closed at 01:32 PM.

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.