

BODY CORPORATE NUMBER 542441 (CANTERBURY LAND REGISTRY)

Worcester Terraces, Christchurch Central, Christchurch 8011

**Minutes of the Annual General Meeting of the Unit Owners of the Body Corporate (the BC) held on
Wednesday, 22 February 2023 in the Boardroom of 76 Moorhouse Avenue Christchurch commencing at 11:00AM**

1 ATTENDEES

Barbra Welffens of Pitcaithly Body Corporate Services Limited ("PBCS") the Manager of the BC; Maria and Darren Sandford (Joint Owners of PU58); John Foy (Owner of PU2); Ian Hunt (Owner of Unit PU4) Via Zoom; Gloria Moyle (Owner of PU27); Elizabeth Ruth Simpson (Owner of PU68); Hai Dong (Owner of PU67); John and Joanne Skevington (Joint Owners of PU7); Andrew Weastell (Owner of PU29); Margery Farrant (Owner of PU31); Syen Nik and Sandy Swei (Joint Owners of PU21) Via ZOOM; John and Sandra Dunn (Joint Owners of PU18), Craig Gilmore (Owner of PU52) Via Zoom; Scott Franklin (Owner of PU51) Via Zoom; Rachel and Troy Sheridan (Joint Owners of PU40) Via Zoom; Chelsea Hillier (Owner of PU66) Via Zoom; Andrew Vonasch (Owner of PU44) VIA Zoom; Tammy and Joshua Stoop (Joint Owners of PU48) Via Zoom; Brendon Price (Owner of PU3) Via Zoom.

APOLOGIES

Apologies were received from Kerry Burke (Owner of PU28)

QUORUM

The chair announced that the quorum requirements had been satisfied.

2 MEETING CHAIR

Barbra Welffens was invited to chair the meeting.

3 MINUTES

The Minutes of the Annual General Meeting held on 23/02/2022, having been circulated to all Unit Owners soon after that date were taken as read and were confirmed as a correct record of that Meeting.

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, the Minutes of the Annual General Meeting held on 23/02/2022, having been circulated to the Unit Owners soon after that date, be and are hereby confirmed"

There were no matters arising from the previous minutes.

NOTE:

Shortly after the Annual General Meeting, an Extraordinary General Meeting was called on 02/05/2023, for the purpose of re-election of the Chairperson and Committee, as nominations were taken from the floor at the AGM, voiding the elections as stated below.

4 BODY CORPORATE CHAIRPERSON

Barbra Welffens noted that no nominations had been received for the position of Chairperson and advised that having a Chairperson and Committee would be beneficial for the complex. Accordingly, The owners agreed to take nominations from the floor with Darren Sandford kindly offering to fill this position, nominated by John Skevington with the approval of all owners present.

IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, Darren Sandford (Owner of Unit 1/25L) be elected as Chairperson of the Body Corporate in accordance with the Unit Titles Regulations 2011."

5 NOT TO FORM A BODY CORPORATE COMMITTEE

Barbra Welffens noted that a Body Corporate of 9 or fewer principal units may choose to form a body corporate committee. However a Body Corporate of 10 or more principal units must form a Body Corporate Committee unless they resolved not to as long as a 75% majority was in favour.

It was then agreed that the BC form a Committee. Barbra Welffens therefore noted that the resolution as set out in the Notice of Meeting Package did not pass and it was agreed that the Body Corporate would form a Committee.

6 ESTABLISHMENT OF BODY CORPORATE COMMITTEE

Barbra Welffens explained that the Body Corporate must first decide by Ordinary Resolution how many members the Body Corporate Committee must have and the number of members required to constitute a quorum. A discussion to this effect followed after which:

A. IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, pursuant to Section 24(1)(a) of the Unit Titles Act 2010 and by virtue of this Resolution, this BC has decided that a Body Corporate Committee shall be made up of 6 members AND THAT quorum for Body Corporate Committee meetings shall be set at 3".

B. Election of Members.

Barbra Welffens explained that a nomination form for the purpose of this election had been sent to all Unit Owners and nominations were received for Craig Gilmore (Unit 7/25L) and Maria Sanford (Unit 1/25L).

Other nominations were accepted from the floor and an election held to fill the number of positions as agreed earlier.

Nominations were then received for:

- Craig Gilmore (Unit 7/25L)
- Darren and Maria Sandford (Joint Owners of Unit 1/25L)
- John Foy (Unit G02/23L)
- John and Joanne Skevington (Joint Owners of Unit 16/163W)

who were duly elected as the Body Corporate Committee.

7 DELEGATION OF DUTIES AND POWERS TO THE BODY CORPORATE COMMITTEE

Barbra Welffens explained that the Unit Titles Act 2010 required that the resolution to delegate duties to the BC Committee be passed when a Committee was elected, but that, the majority of these duties could then be passed on to PBCS if appointed as Body Corporate Manager by the resolution that followed in the next agenda item.

IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS A SPECIAL RESOLUTION:

"THAT, pursuant to Section 108 (1) of the Unit Titles Act 2010 and by virtue of this special resolution, the Body Corporate does hereby delegate the following duties and powers to the Body Corporate Committee:

- a. to maintain the register of unit owners; and
- b. to prepare the agenda for each general meeting; and
- c. to chair each general meeting (unless it is agreed at the start of a general meeting that another person will chair that meeting); and
- d. to prepare minutes of each general meeting; and
- e. to record resolutions voted on and whether they were passed; and
- f. to keep financial accounts and records; and
- g. to distribute reports from the body corporate committee to unit owners; and
- h. to sign documents on behalf of the body corporate; and
- i. to prepare and issue notices of resolutions to be passed without a general meeting; and
- j. to notify unit owners of the result of any vote on a resolution to be passed without a general meeting; and
- k. to notify all unit owners of any delegation of a duty or power by the body corporate to the body corporate committee under section 108 of the Act; and
- l. any other duties relating to the administration of the body corporate that the body corporate has decided by ordinary resolution to confer on the chairperson

AND for the avoidance of doubt, the duties specified above are in addition to those conferred elsewhere by the Unit Titles Act 2010 or the Unit Titles Regulations 2011."

8 REAPPOINTMENT OF BODY CORPORATE MANAGER

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, PBCS having agreed hereto, a service contract pursuant to Section 5 (1) of the Unit Titles Act 2010 and Regulation 17 (1) of the Unit Titles Regulations 2011 be entered into by the BC with PBCS as follows:

- a. PBCS is hereby appointed as the Manager of the BC until the end of the next AGM.
- b. The annual fee to be paid to PBCS is to be unchanged from the present annual fee which is \$20,060.00 (plus GST) [set in 2021].
- c. The annual charge for standard disbursements (i.e. bank charges, postages, stationery, photocopying) is to be unchanged from the present annual charge which is \$1,530.00 (plus GST) [set in 2021].
- d. PBCS is to carry out the functions as set out in the Schedule of Duties attached to this Notice of Meeting.
- e. PBCS is to carry out any and all other financial, managerial and statutory functions as may be appropriate (in its opinion) if by so acting the inconvenience and cost of holding an EGM somewhat unnecessarily can be avoided.
- f. PBCS is to use all reasonable endeavours to act in good faith in carrying out its functions. Where PBCS acts reasonably to the required standard and in good faith in carrying out its functions it shall in no way be liable to the BC for any loss or damage (whether actual or prospective) suffered by the BC in respect of its business or affairs provided that loss or damage does not arise from negligence, wilful default or wilful omission of PBCS, its employees or agents.
- g. PBCS is authorised at all times to act solely as the agent for the BC in carrying out its functions. Accordingly, the BC indemnifies PBCS in respect of all costs, damages, losses and expenses suffered by PBCS as a result of carrying out its functions unless such costs, damages, losses or expenses arise from gross misconduct or negligence by PBCS.
- h. PBCS is authorised to operate an account designated specifically for this BC within the banking account of the "Pitcaithly Body Corporate Services Ltd Trust Account" held with Westpac New Zealand Limited for the purpose of the receiving and disbursing of all of the monies belonging to the BC.
- i. PBCS is authorised to deduct amounts from time to time from the funds of the BC and pay the same to PBCS in respect of previously authorised managerial fees and disbursements charges
- j. PBCS will be entitled, should its appointment be terminated prior to the next AGM in respect of any financial year, to deduct from the funds of the BC and pay the same to PBCS in respect of the previously authorised managerial fee and disbursements charge relating to that financial year, the lesser of half of the totals thereof or the remaining amounts of them not already deducted and paid as at the date of PBCS being notified of the termination.

AND THAT this resolution including any amendments (when passed) is to be regarded for all purposes as the only written form of the contract which is the subject of this resolution"

9 3 YEARLY LONG TERM MAINTENANCE PLAN REVIEW

Barbra Wellfens briefly reviewed the draft LTM Plan a copy of which had been provided with the Notice of Meeting Package and advised that a mistake was noted in relation to the private motorized awnings under the maintenance schedule. The installation of terrace awnings was granted last year to a few owners through a postal resolution but they were never implemented and are considered an owners expense.

There was a discussion about the contents of the LTM Plan during which the following was decided:

- To remove the motorised awnings item from the LTMP, as not applicable.

IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, the draft Long Term Maintenance Plan be reviewed as required this year AND THAT, the Plan attached to the Notice of Meeting, as amended, be and is hereby adopted."

10 FINANCIAL STATEMENTS

Barbra Welffens reviewed the Financial Statements for the year ended 30/11/2023 and the suggested Budgets for the year ending 30/11/2024.

Notes:

- Operating Account budget Item 183400 Caretaker/Cleaner Remuneration is increasing to bring item in line with current expenditure.
- Operating Account budget Item 190800 Common Property Electricity is increasing to reflect the rising cost of electricity.
- Operating Account budget Item 190000 Fire Evacuation Scheme/Drills is provision to conduct evacuation drills.
- Operating Account budget Item 179000 Ground Maintenance Lawns & Gardening is provision for contractor to maintain garden and cleaning the ground.
- Operating Account budget Item 159100 Insurance Premium is a best estimate based on current insurance premiums.
- Operating Account budget Item 159200 Insurance Valuation Fees unchanged.
- Operating Account budget Item 165801 R&M Building/s Building Warrant of Fitness Costs is increasing to provide for quarterly IQP, Christchurch City Council BWOFF Fee and contingency for audit of compliance. Fire system monitoring expense has been transferred to budget item 165809 R&M Building/s Fire Alarms/Security Monitoring.
- Operating Account budget Item 165809 R&M Building/s Fire Alarms/Security Monitoring allows for monthly fire system monitoring.
- Operating Account budget Item 174900 R&M Building/s Stormwater System is provision for servicing storm water filtration device, inspection, clean car park sumps and manhole chamber.
- Operating Account budget Item 176400 R&M Building/s wash allows external building to be cleaned, window wash, gutter clean and roof wash.
- Operating Account budget Item 156400 Security is provision for installation of mag locked and control system with card readers on bike store.
- LTM Fund budget item 251600 Consultants Fees LTMF is provision for the update of the LTM Plan and includes the annual subscription for the upkeep of the same.

It was agreed to make the following amendments:

- To remove code 156400 (security) from the budget of the operating account and transfer the amount to contingency code 176800.
- To leave the revenue amount of the LTMF as budgeted and create an expense code for building security improvements of \$10,000.00.

IT WAS THEN UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, the Financial Statements of the Body Corporate for the year ended 30/11/2022 and the Budgets for the year ending 30/11/2023 as circulated with this Notice of Meeting, be and are hereby adopted."

11 LEVIES

Barbra Welffens explained that as per the budgets that had just been reviewed there was a slight levy increase this year and that this was mainly attributed to the forecast costs of the insurance Premium.

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS AN ORDINARY RESOLUTION:

"THAT, an Operating Account Levy at a 6 month rate of \$1.08535 per Utility Interest (i.e. \$108,535.00) plus a Long Term Maintenance Fund Levy at a 6 month rate of \$0.5300 per Utility Interest (i.e. \$53,000.00), respectively, be made forthwith in the proportions of the Unit Owners' Utility Interests covering the 6 months ending 30 November 2023 such

Levies:

- (a) to provide sufficient funds to enable the budgeted expenditure to be met
- (b) to be payable in equal instalments as follows:
2nd Instalment 2022/2023 (period 01.06.23 to 30.11.23) last day for payment (30.06.23)
- (c) to be subject to interest of ten per cent (10%) per annum (calculated on a daily basis) if not paid by the stated last date for payment
- (d) to be payable to Pitcaithly Body Corporate Services Ltd Trust Account or by such other means of payment as may be notified."
- (d) to be payable to Pitcaithly Body Corporate Services Ltd Trust Account or by such other means of payment as may be notified."

"AND THAT, an Operating Account Levy at a 6 month rate of \$1.10 per Utility Interest (i.e. \$110,000.00) plus a Long Term Maintenance Fund Levy at a 6 month rate of \$0.35 per Utility Interest (i.e. \$35,000.00), respectively, be made forthwith in the proportions of the Unit Owners' Utility Interests covering the 6 months ending 31 May 2024 such Levies:

- (a) to provide sufficient funds to enable the budgeted expenditure to be met
- (b) to be payable in equal instalments as follows:
1st Instalment 2023/2024 (period 01.12.23 to 31.05.24) last day for payment (31.12.23)
- (c) to be subject to interest of ten per cent (10%) per annum (calculated on a daily basis) if not paid by the stated last date for payment
- (d) to be payable to Pitcaithly Body Corporate Services Ltd Trust Account or by such other means of payment as may be notified."
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12 AUDIT

IT WAS UNANIMOUSLY RESOLVED BY THOSE PRESENT AS A SPECIAL RESOLUTION:

"THAT, pursuant to Section 132 (8) of the Unit Titles Act 2010 and by virtue of this Resolution, this Body Corporate has decided not to have its Financial Statements audited or reviewed by and auditor or an accountant or to be subjected to specific verification procedures in respect of the year ending 30/11/2024."

13 GENERAL BUSINESS

The following was discussed under general business:

- **Bike Shed Upgrade and Security Concerns:** It was agreed that the Committee would look into options for the bike shed as well as how to improve other security issues raised by the owners and report back in due time.
- **BC Rules Revision:** It was agreed that the Committee will study the rules for any changes and /or improvements to adapt specifically to the complex.
- **Abandoned motorbike in Common Area:** the BC Manager to arrange for its removal.
- **Contended on-charged invoice for BWOF requirements by John Foy:** The owners agreed for the Body Corporate to cover this individual charge of \$170 as a one-off situation and noted that a 2 week notice period is a fair and reasonable time for owners to organize access to the property for compulsory inspections.

It was agreed to include a reminder in the Minutes that any owners failing to arrange access for inspections within the notified timeframes, will incur in additional on-charge cost to remedy, as per notifications sent out by Pitcaithly Body Corporate Services.

14 SET DATE, TIME AND VENUE FOR NEXT YEAR'S AGM

It was agreed that the next Annual General Meeting of the Body Corporate would be held on 24 February 2024 at 11:00 AM in the Boardroom of Pitcaithly Body Corporate Services, 76 Moorhouse Avenue, Christchurch.

The Meeting concluded at 1:17PM the chair thanked those present for their attendance.

These minutes were confirmed by an Ordinary Resolution of the Unit Owners at the Extraordinary General Meeting held on 02 May 2023.

Meeting Chair

Date