

**Minutes of the Annual General Meeting of Body Corporate 407328
172 McLeod Road, Te Atatu South, Auckland
St Clair Park — Stage 3**

**held at Waitemata Football Club, 198 McLeod Road, Te Atatu South, Auckland
on Thursday, 27 March 2025 commencing at 6.00pm**

Present

S Tanielu & J Maul Unit 5
K Naidoo Unit 9 (via Teams)
E Benzonelli Unit 10 (via Teams)
R Wadhawan..... Unit 11
S Nar..... Unit 14
Y Xiao Unit 17
T Smith Unit 22
G & E Elliott..... Unit 30
J Hensley Unit 31 (via Teams)
S Rizvi Unit 39
J Osborne Unit 40 (via Teams)
j Rakhimov Unit 51 (via Teams)
S M Empuerto Unit 55 (via Teams)
R & S Nelson..... Unit 67 (via Teams)
J Patel..... Unit 69
R Wright..... Unit 72
S Snookes..... Unit 191 (via Teams)
M Savchenko Unit 193
A Kazim & S Naqvi Unit 195
J Stockford Unit 197
B Bolintineanu Unit 200
J Goldsack Unit 204 & 65
R Beaver Unit 212 (via Teams)
G & K Charteris Unit 219
B Newman Unit 224

Postal Votes

P Shrestha & R Rai Unit 16
Y Hiong Unit 18
Z Quinton Unit 36
L Tuleasca Unit 42
H Lee Unit 44
S Cruttwell..... Unit 61
K Shields..... Unit 77
A Cann Unit 184
S Duder..... Unit 213
J & R Camomot..... Unit 225

STRICTLY BODY CORPORATE LIMITED

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Proxies

R Capil & S Mann..... Unit 12 appointed Strictly Body Corporate Limited as proxy
 A Wells..... Unit 188 appointed Strictly Body Corporate Limited as proxy

Apologies

Nil

Attending

Paul McKendrick Glaister Ennor
 Darren van der Wal Strictly Body Corporate Limited

Matters of discussion were as follows:

1. Election of Meeting Chairperson

Motion 1: By Ordinary Resolution That Darren van der Wal be elected Chairperson for the meeting.

Motion: Carried, 1 abstain vote

2. Formation of Meeting Quorum

Motion 2: By Ordinary Resolution That the apologies be accepted, and the proxies and postal votes be accepted to the quorum.

Motion: Carried

3. Confirm Minutes of the Prior Annual General Meeting

Motion 3: By Ordinary Resolution That the minutes of the Annual General Meeting held on Wednesday, 27 March 2024 be accepted as a true and correct record of that meeting.

Motion: Carried, 2 abstain votes

4. Election of the Body Corporate Chairperson

Nomination received:

Jenny Goldsack, Unit 65 & 204

Motion 4: By Ordinary Resolution to elect Jenny Goldsack as Chairperson of the Body Corporate under Regulation 10, as of the date following the date of this resolution.

Motion: Carried, 2 votes against

5. Delegation of Chairperson's Duties

Motion 5: By Special Resolution to delegate all powers and duties of the **Body Corporate Chairperson to the Committee**, under Regulation 11(2) and 11(3). That the **Body Corporate Committee** report annually on this delegation and this delegation remains in effect until such time as rescinded by the Body Corporate, as of the date following the date of this resolution.

Motion: Carried, 1 vote against

6. Formation of Committee

Motion 6: By Ordinary Resolution the Body Corporate agrees to elect those nominated as members of the Body Corporate Committee under Regulation 24(b). That the Committee is to



comprise of six (6) members and the number of members required to constitute a quorum be no less than four (4), as of the date following the date of this resolution.

Motion: Carried, 1 abstain vote

Nominations received:

Enny Benzonelli..... Unit 10
 Elizabeth Elliott..... Unit 30
 Jenny Goldsack Unit 65 & 204
 Syed Nagui.... Unit 195
 Graeme Charteris Unit 219
 Benjamin Newman Unit 224

7. **Delegation to the Committee**

Motion 7: By Special Resolution the Body Corporate agrees to delegate all powers and duties of the **Body Corporate** under s108, **to the Committee** with the exception of duties listed under s108(2) and provide written notice of those delegated duties to each Committee member. That the Committee report annually on this delegation and this delegation remains in effect until such time as rescinded by the Body Corporate, as of the date following the date of this resolution.

Motion: Carried, 1 abstain vote

8. **Confirm the Financial Statements**

The Body Corporate Manager detailed the income and expenditure statement and balance sheet to owners. The following was noted:

Total income comprised \$706,401.99, including carpark rental of \$1,577.54 being income received from the company that monitors the carparks.

Total expenses \$649,239.59.

Therefore an excess of income over expenditure of \$57,162.40.

The balance sheet noted a net asset position of \$506,972.35 which was an improvement over the previous year of \$424,231.06, as a result of the increased Long Term Maintenance Fund account balance, and the annual insurance fund to ensure sufficient funds were available to pay the insurance premium.

Motion 8: By Ordinary Resolution That the financial statements for the period ended 31 January 2025 be accepted.

Motion: Carried, 1 against vote, 1 abstain vote

9. **Audit**

Motion 9:

a) By Special Resolution That in accordance with the provisions of Section 132(8(2a)) in the Unit Titles Act 2010 the financial statements of the Body Corporate for the year ended 31 January 2025 are not audited.

Motion: Carried

b) By Special Resolution That in accordance with the provisions of Section 132(8(2b)) in the Unit Titles Act 2010 the Body Corporate shall not engage an accountant to review the accounts for the financial year ending 31 January 2025.

Motion: Carried, 2 abstain votes



- c) By Special Resolution That in accordance with the provisions of Section 132(8(2c)) in the Unit Titles Act 2010 the Body Corporate shall not engage an accountant to undertake specific verification procedures as determined by the Body Corporate by special resolution of the accounts for the financial year ending 31 January 2025.

Motion: Carried, 3 abstain votes

10. Insurance

Motion 10: By Ordinary Resolution That the Body Corporate insurance cover be placed with QBE Insurance for the 12-month period commencing 1 March 2025 at a premium of \$255,231 including GST and Office Bearers Liability.

Motion: Carried

11. Confirm Budget

Motion 12: By Ordinary Resolution That the operational budget be fixed at **\$717,122.56 including GST** for the 12-month period starting 1 February 2025, in accordance with Section 121 of the Unit Titles Act 2010. The budget shall be raised by ownership interest in two (2) instalments per annum.

Motion: Carried, 1 abstain vote, 1 against vote

12. Levy Collection Procedure

The Body Corporate Manager spoke to the proposed Operating Budget, noting an increase of 3% specifically drawing attention to the insurance costs which had risen approximately 10% over the previous year, being a decrease of 10% on the previous year.

It was also noted that the Long Term Maintenance Plan contributions had increased in accordance with the revised Long Term Maintenance Plan.

Q: Is it possible for the budget to be held at the 2023/2024 sums?

A: It is prudent to ensure that the budget reflects inflation and CPI to avoid special levies.

Q: Is the Long Term Maintenance Plan fund sufficient?

A: It is noted that the fund is currently sufficient in accordance with the Plan.

It was asked if the Body Corporate Committee could look at the costs of gardening and possibly gardening contracts.

Motion 13: By Ordinary Resolution That:

- a) Pursuant to s128 (2) of the Unit Titles Act 2010 interest of 10% per annum will accrue and may be charged on any debt unpaid after the due date until the date of payment.
- b) The Body Corporate instructs Strictly Body Corporate Ltd to recover any unpaid levies or other unpaid debt owed by a unit owner, together with interest and reasonable costs of collection, using Strictly Body Corporate Ltd collection procedures, where the debt has been outstanding for more than 28 days.
- c) The Body Corporate authorises either:
 - i) Pidgeon Judd or
 - ii) Price Baker Berridge or
 - iii) Glaister Ennor

to make an application to the appropriate decision maker to recover any unpaid debt owed by a unit owner, where need be.

Motion: Carried,



13. Contracts

Motion 14: By Ordinary Resolution That the Body Corporate continue with all existing service contracts and where an amendment is necessary because of the changes to the UTA, the Body Corporate Committee be empowered to approve these updated contracts under Regulation 17(4), as of the date following the date of this resolution.

Motion: Carried, 2 against votes

14. Inland Revenue Tax Agent Authority

Motion 15: By Ordinary Resolution That Body Corporate 407328 give authority to Strictly Body Corporate Limited (tax agent for Body Corporate 407328) to act on behalf of Body Corporate 407328 for all tax types for this coming year and each subsequent year until instructed otherwise. Authority is given to obtain information from Inland Revenue and other financial institutions to enable the tax returns for Body Corporate 407328 to be completed.

Motion: Carried

15. General Business

a) Installation of Speed Bump on McLeod Road by AT

It was noted that AT could not install speed bumps on McLeod Road, therefore it was asked if the Body Corporate Committee would consider approaching AT in relation to installation of yellow no parking lines adjacent to the main entrance of the complex in respect of visibility issues.

It was also suggested that each individual write to Auckland Transport as multiple requests were more likely to achieve a result than one request from the Body Corporate.

b) Centralised Rubbish System

It was noted that Auckland Council were considering the installation of a centralised rubbish system with communication and site visits taking place with the Site Manager, Body Corporate Manager and Committee.

The centralised rubbish system will be taken into consideration in relation to Auckland Council's overall scheme for rubbish removal within the city.

Prior to any introduction owners would be involved and advised.

c) Entrance Garden

It was noted that AT could not install speed bumps on McLeod Road, therefore it was asked if the Body Corporate Committee would address the condition of the east boundary of the main entrance as it appeared incomplete after the development of the adjoining property on the eastern boundary has now been completed.

d) Advice re the Restricted Use of the Tennis Court and Parked Truck

Paul McKendrick from Glaister Ennor provided background to the current scenario in relation to the three Bodies Corporate and the recreational easements that existed noting that only one easement now exists in relation to the underlying land that the tennis court sits above.

There had been two previous arbitrations addressing cost distribution.

The three Bodies Corporate agreed to surrender the pool easement and provide a right of way easement for access to the pool complex.

Stage 3 has the right to use the tennis court and in accordance with the right of way easement is required to pay a fair proportion of costs.

The previous owner of the entire complex could not meet their costs, therefore the mortgagee took possession of the site and subsequently unit titled the property into three



Principal Units of which the tennis court now forms part of a Principal Unit and is an Auxiliary Unit To Principal Unit 4, which is the swimming pool complex.

The previous owner passed 70% of costs in relation to rates and insurance, although calculations have been conducted noting that the tennis court comprises 4% of costs and not 70%. Therefore the Body Corporate has paid reasonable costs as determined by the prior arbitration.

The use of the tennis court has been restricted which breaches the right of way agreement.

There has been an attempt to remove the trucks that are parked on the right of way easement, although expensive and unsuccessful.

The options faced by the Body Corporate are to do nothing, once again attempt to remove the trucks, or alternatively issue court proceedings.

It is noted that the truck is parked on a right of way, noting that the visitor carpark that is blocked is part of the right of way.

The court process was detailed.

Questions and answers:

Q: Are the Body Corporate paying costs?

A: Yes at 4%.

Q: Can Stage 3 access tennis courts by alternative access?

A: There is a legal right to access, although the Body Corporate has taken the position as to not act illegally.

Q: Can the Body Corporate set a date for use?

A: It can but it is unlikely to be achieved.

Q: Can the right of way easement be surrendered?

A: The Body Corporate currently does not want to surrender the easement as redevelopment could occur.

It is noted that the Body Corporate has raised \$50,000 to buy the tennis court and suggests that a further offer, possibly offering more funds be presented and as a result the tennis court would require a current market valuation.

Q: Does the owner have the use of the right of way if the tennis court is purchased.

A: The Body Corporate would be required to purchase both the tennis court and the right of way land.

Q: It was asked if the owner was currently paying their costs.

A: It was unable to determine precisely, although public information noted that rates were outstanding.

Q: Has there been an offer to purchase recently?

A: Not recently and this could be an option presented.

Q: What will be the legal costs to take the matter to arbitration?

A: Reasonable costs would be in the vicinity of \$25,000 plus GST, although it is suggested that this be \$50,000 plus GST due to the additional matters that would be required to be addressed.

Q: What would the arbitration achieve?

A: The arbitration would set costs request on locking of the tennis court and recover partial legal fees incurred to date.



The owners within the room and on Teams favoured the purchase option over and above arbitration, therefore the Committee would consider this option further in the immediate future.

There being no further business the meeting concluded at 7.47pm.

Strictly Body Corporate Limited

For and on behalf of Body Corporate 407328 Chairperson



Darren van der Wal

Body Corporate Manager, Body Corporate 407328

darrenv@sbcltd.co.nz

