Thompson Wentworth

Body Corporate 79398
52 Hayton Road, Wigram Christchurch 8052
ANNUAL GENERAL MEETING MINUTES
Thursday, 07 December 2023

Meeting Formalities

Start Time: 11:58 AM.

Attendees:

Lot #	Unit #	Attendance	Owner Name/ Representative
1	A	Yes	Noel Cordy
2	B	Yes	Matthew Toohey, Shane Kirwan
3	C	Yes	Susan Bunn
4	D	Yes	Tracy Jordan
5	E	Yes	Susan Bunn

From the BC Secretary (TW): Anthony Robertson, Mark Wells.

Quorum: A quorum was present at the meeting.

Opening Comments from the Chair/ Secretary
The Chair and Secretary welcomed attendees and provided a brief synopsis of the previous year's operations, noting matters arising listed below and that an opportunity to comment further would arise as the meeting worked through the structured agenda for this forum.

1 Minutes of Meetings

The following motions were put to the meeting for owner resolution:

***Motion:** That the minutes of the previous year's Annual General Meeting for the Body Corporate be accepted as a true and accurate record.*

AND:

***Motion:** That the minutes of each Annual General Meeting are to be a record of the business of each General Meeting and that if within thirty days of distribution of the minutes the Committee or Secretary does not receive any written request from a person who attended the meeting to amend any part of the minutes then the Chairperson of the meeting is authorised to sign the minutes as a true and accurate record of the Annual General Meeting.*

Moved: Noel Cordy
Seconded: Sue Bunn
Carried.

2 Body Corporate Governance

1. Body Corporate Chair and or Committee Reports:

***Motion:** That where there has been a standing committee elected at a previous general meeting of the body corporate and the chair and or the committee has been tasked with actions and activities for the previous operational period, the body corporate notes and acknowledges the tabled written or oral report (as the case may be) from the body corporate chair outlining the chair or committees' activities during the immediately previous operational period of the body corporate and how any duties delegated by the body corporate at any previous general meetings have been performed or exercised.*

Moved: Noel Cordy
Seconded: Sue Bunn
Carried

2. Election of Chairperson*:*
The current Chairperson of the Body Corporate is Noel Cordy. The current Chair is available to stand again. There were no other nominations for the role of chair. The meeting elected Noel Cordy to the role of body corporate chairperson from the close of the current Annual General Meeting to the close of the next Annual General Meeting.

Moved: Matthew Toohey
Seconded: Tracy Jordan
Carried.

3. Election of Committee:
The Body Corporate's current committee members comprise all owners and the meeting elected to retain this committee structure from the close of the current Annual General Meeting to the close of the next Annual General Meeting.

Quorum confirmed at 3 of the 5 units represented, with minimum of 3 individual owners.

Motion: *That the number of Owners so nominated and duly elected at this AGM and the quorum required for the committee to transact business be confirmed at this AGM.*

Moved: Noel Cordy
Seconded: Shane Kirwan
Carried.

The following motions when so resolved provide the necessary delegations of authority for the Chair and or Committee (where elected), to manage the operations of the body corporate on behalf of owners, for the immediately subsequent financial and operational period of the body corporate post this AGM. Accordingly these three motions were put to the meeting for resolution.

<u>3.1 Delegation of Powers to the Chair/ Committee:</u>

Motion: *That by Special Resolution and pursuant to Section 108 (1) of the Unit Titles Act 2010 (the Act) the body corporate delegates (except for those powers to be retained by the Body Corporate under Section 108 (2) of the Act), all its powers and duties to the Body Corporate Committee, or where the Committee is not elected, to the Chairperson until the next annual general meeting of the Body Corporate and that this resolution is evidence of the Chair and or the Committee's authority to perform the powers and duties so delegated to it and serve as notice of delegation and that the Chair and or the Committee will report to the Body Corporate on an annual basis regarding its performance of these powers and duties.*

<u>3.2 Method of Contracting:</u>

Motion: *That the Body Corporate delegates the authority for entering into obligations with respect to the annual operational requirements of the Body Corporate comprising but not limited to, grounds and built environment maintenance, utility services, relevant authority compliance, insurance brokerage services and insurance policy renewals, Body Corporate Secretarial and Facilities/Maintenance Management services, to the Body Corporate Committee or where the Committee is not elected to the Chairperson and one other member of the Body Corporate until such a time as otherwise revoked at a General Meeting of the Body Corporate. This motion serves as evidence of the Body Corporate's authority to perform these delegated powers. The Committee shall report on this delegation no less frequently than each AGM of the Body Corporate.*

<u>3.3 Chairperson/ Committee Indemnity:</u>

Motion: *That the Body Corporate holds harmless and indemnifies its Chairperson and Committee of the Body*

Corporate and members of the same (jointly and severally) against all costs, expenses, claims and proceedings and any other liability of any sort incurred by them in the exercise or attempted exercise of their powers as a Chairperson or members of the Committee taken in accordance with the provision of the Body Corporate Rules and of the Unit Titles Act 2010 and Regulations 2011, however not against any act or omission done fraudulently or with wilful misconduct.

Moved: Noel Cordy
Seconded: Shane Kirwan
Carried.

4. Chair or Committee (where elected) Interests Register:
A member of a body corporate committee must disclose any conflict of interest they may have in any matter (arrangement, contract, agreement, or transaction) being considered by the committee in its operation of the body corporate. An interest may be whether a member (or their spouse, civil union or de facto partner, child or parent, business partner, director or trustee) derives a financial benefit from the matter. *Note: A person is not conflicted merely because they are a member of the body corporate, receive an indemnity, insurance cover, remuneration or other benefit authorised by the body corporate.*

Motion: *That where there has been a standing committee elected at a previous general meeting of the body corporate, the body corporate notes and acknowledges the Interests Register tabled at the general meeting and any amendments made to the register during the previous operational year and or at this general meeting.*

Moved: Noel Cordy
Seconded: Shane Kirwan
Carried.

3 Financial Statements

The Secretary traversed and explained the Financial Statements for the previous financial year distributed with the agenda noting any key material variances to the previous AGM approved budget.

AGM Financial Discussion Notes:

- Admin-Body Corporate Management Fees for 2022/23 FY were incorrectly provisioned as $3,500 and not the $3,000 as approved at the AGM. $500 credit to be applied to the 2023/24 operating account.

Motion: *That the financial statements for the immediately previous financial period be accepted.*

Moved: Noel Cordy
Seconded: Shane Kirwan
Carried.

4 Appointment of an Auditor

Motion: *That, by way of special resolution, the body corporate decides that s132(2) of the Unit Titles Act 2010 does not apply for the current financial year, and therefore the body corporate financial statements shall not be presented for review or auditing for this period.*

Moved: Noel Cordy
Seconded: Sue Bunn
Carried.

5 Insurance Valuation

The Secretary traversed the background around the most recent valuation date for the body corporate for insurance purposes and the current inflationary environment with respect to construction costs and noted that replacement valuations all things being equal are recommended to be undertaken every second year to ensure the Body Corporate's assets are insured according to current market replacement values.

Motion: *That the Body Corporate will not instruct an updated valuation of the body corporate assets for insurance purposes during the current financial period.*

Moved: Noel Cordy

Seconded: Sue Bunn
Carried.

6 Insurance Policy Renewal

The Secretary:

- Tabled and spoke to the policy cover and its renewal parameters distributed with the agenda.
- Provided commentary on the year-on-year premium cost comparison.
- A review of each owner/ investor's occupation profile (Occupiers v. Investor).
- Any risk mitigation infrastructure (fire protection [extinguishers] & any monitored security alarms in each unit) equipment installed across the body corporate to reconciled and advised back to the insurance broker so as to positively influence insurer risk assessment for the site
- Commented on the adequacy of the overall cover held/ proposed.

Particulars	2021-22	2022-23	2023-24	2024-25
Insurer	QBE	QBE	QBE	QBE
Sum Insured	$2,772,000	$3,420,000	$3,420,000	$3,780,000
(%age escalation)	0.00%	23.38%	0.00%	10.53%
Cover				
Policy Charge	$3,248.01	$3,283.50	$3,611.85	$4,100.00
Natural Disaster Premium	$4,455.99	$5,417.78	$5,253.60	$5,400.00
BI	$1,270	$1,307.25	$1,348.75	$1,384.75
PL	$438.00	$290.50	$290.50	$290.50
SL	Incl in PL Prem	Incl in PL Prem	Incl in PL Prem	Incl in PL Premium
Broker Admin		$200.00	$200.00	$200.00
FENZ Levy	$1,684.98	$1,552.02	$1,555.02	$1,701.30
GST	$1,670.00	$1,808.12	$1,838.96	$1,961.48
Total	**$12,767.28**	**$13,859.17**	**$14,098.68**	**$15,038.03**
%tage Escalation	1.34%	8.55%	1.73%	6.66%
Notes:				
1. 2024-25 Renewal figure is an estimate ahead of renewal date 28/02/2024. Premium uplift will be driven by market inflation and new insurance valuation (procured during 2023 year).				
2. Re-market history: Premium taken to market 2021, NZI provided the best alternative premium, Ando and Vero were not competitive. QBE reduced their premium to almost match NZI ($398 more expensive), but had a lower Natural Disaster excess and as such policy was retained with QBE. Recommend broker take to market ahead of 2024-25 renewal to ensure market contestability.				
3. Levels of cover review: recommend BC looks at public liability and statutory liability cover, suggest raising public liability to $5 million and statutory liability to $2 million				

Motion: *That the insurance policy covers agreed at the AGM (including acceptance of noted exclusions and excesses deductible) be accepted as adequate and afford appropriate risk cover to the Body Corporate for the ensuing years cover period and the cost of the total premiums be added to the budget for the new financial period.*

Moved: Noel Cordy
Seconded: Sue Bunn

Carried.

Status of Renewal discussion currently being finalised with brokers:

Situation:	52 Hayton Road, Sockburn, Christchurch	
Occupation:	Tenants (***please advise us of any changes to the tenancies***)	
	* Unit 1 - Mechanic (Undercar Service Centre - Brake and Clutch Services Limited)	
	* Unit 2 - Laboratory - Testing cylinder equipment (Under Pressure Testing Limited)	
	* Unit 3 - Engineering Laboratory (WSP New Zealand Limited)	
	* Unit 4 - Engineering Laboratory (WSP New Zealand Limited)	
	* Unit 5 - Storage Solutions (ShelfSmart Limited)	
Material Damage		
Sum Insured:	Building	$ 3,780,000
	Year of Construction	1998
	Valuation	27/10/2023 - FordBaker Valuation Limited
	Security	Perimeter fencing on the Dakota Street side and burglar alarms (***please advise if any of the tenants have a professionally monitored burglar***
	Fire Prevention	Fire safety equipment to meet required standards as per valuation (***please advise if any of the tenants have a professionally monitored smoke/***
	The sum insured is based on the 2023 valuation from FordBaker.	
Interested Parties:	Ashburton Building Society	
Excess:	Standard	$ 500
	Burglary & Malicious Damage	$ 1,000
	Theft	$ 2,500
	Damage caused by Landslip or Subsidence	$ 5,000
	Natural Disaster	2.5% of total sum insured (minimum $2,500)
Business Interruption		
Sum Insured:	Gross Rents	$ 380,000
	Additional Cost of Working	$ 25,000
	Claims Preparation Costs	$ 10,000
	Indemnity Period	24 Months
Liability Package		
Sum Insured:	General/Public Liability	$ 2,000,000
	Statutory Liability	$ 1,000,000
Excess:	Standard	$ 500

um Comparison

7 People & Safety

The body corporate at the AGM:

BWOF:

- The meeting noted that the BC has no Local Authority Specified Fire Protection Systems installed, and hence no requirement for an IQP supervised Annual BWOF Monitoring & Testing Regime.
- The minutes will remind owners to validate what owners or their tenants if any have professionally monitored burglar systems.

Health & Safety Plan:

- The Secretary tabled the H&S Plan developed by Plan Heaven and spoke to the body corporates obligations under the Health and Safety at Work Act 2015 ("HSWA") as detailed in the distributed agenda. The key principle being the Act introduces the term "Person Conducting a Business or Undertaking " or "PCBU". A Body Corporate is deemed a PCBU. A PCBU (and its relevant officers i.e. elected BC Chair and Committee members) have the main and specific duty of diligence under the Act to ensure the PCBU is complying with the Act.
- Noted that there were no health & safety incidents during the previous operational year, nor were there any changes required to the identified hazards in the plan.
- The meeting resolved the Secretary would continue to review, coordinate and develop the Plan Heaven Health & Safety Plan for the property as the circumstances required in response to the site's relevant operational influences i.e. annual scheduled maintenance and any common area capital programme.

Fire & Evacuation Planning:

- Reviewed the status and requirements with respect to if a formal Evac Plan is required. The Committee discussed and resolved that the site continued not to warrant a requirement for a specific Fire and Emergency Evac Plan due to not being *(i) an occupying business employs 10 or more people;* or (ii) The building can hold more than 100 people.

- The meeting also reflected on the fact that all of the tenants hold their own evacuation plans.

Motion: *That the Body Corporate shall implement the resolved approach for development of a new and or review of its existing People and Safety (Health & Safety and Fire Evacuation) Plans for the property, as so agreed and resolved in this AGM.*

Moved: Noel Cordy
Seconded: Tracy Jordan
Carried.

8 Maintenance Management

The Secretary tabled and spoke to the body corporate's maintenance management checklist and resolved requirements as detailed in the distributed agenda.

AGM discussion notes:

Ready response Break-fix Callouts/ Faults:

- The body corporate is mainly self-managing; however, the Chair will direct the Secretary to manage an "as and when required" ready response "Break-fix" and Schedule Maintenance coordination and support service.
- AGM resolved to carry forward provisioning for any ready response maintenance management coordination into the body corporates upcoming financial year budget for adoption under the approval of budget and levy determination agenda items in this AGM.

Scheduled Maintenance Regime:

The body corporate undertook at the AGM a quick check of its scheduled maintenance requirements and these, if any, would be carried forward and resolved into the approval of budget levy determination agenda items later in the AGM.

The annual regime for the upcoming financial year will comprise of:

- Grounds Regime (Lawn Mowing, Site Litter/ Sweeping and Gardening Service)
- It was resolved that as the owners carry out an annual working bee to repair or organise the repair of maintenane issues identified, no additional scheduled maintenance requirements were required this 2023/24 financial year.

Long Term Maintenance Regime:

- The property has a 3rd party consultant (Plan Heaven) developed Long-Term Maintenance Plan with a 10-year time horizon.
- The body corporate is not defined as a large BC (10 or more units) under the Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022, which satisfies the requirement to only have a 10-year plan.
- It was noted that the LTMP needs to be adjusted to reflect: (1). linemarking was carried out by the owners in 2022; (2). External Paint to be moved out to 2027; (3). a staged increase in annual Levy is required to build up the fund. It was resolved to transfer $6000 from OPEX account to the LTMF, increase the LTMF annual levy to $6000 to ensure that more funds are available for the 2027 target date for the external repaint.
- The body corporate resolved to carry forward provisioning for any LTMP development/ or update and associated coordination expenditure into the body corporates upcoming financial year budget for adoption under the approval of budget and levy determination agenda items in this AGM.

Motion:

THAT; With respect to the body corporates ***variable break-fix, periodic scheduled and long-term maintenance*** *requirements and in compliance with the relevant sections of the Unit Titles Act, the body corporate resolves;*

1. *To implement the approach and specification for its maintenance requirements agreed at this AGM.*
2. *Maintain a Long-Term Maintenance Plan as so discussed and agreed at this AGM.*
3. *To either (i) Maintain a long-term maintenance fund or (ii) Via a Special Resolution at this meeting, resolve*

not to establish a long-term maintenance fund.

4. *To provision for the expenditure plans supporting the maintenance resolutions from the body corporates Óperational and or Long-Term Maintenance fund budgets.*
5. *That if the body corporate secretary/ manager is to undertake the coordination of these variable break-fix, scheduled & long-term maintenance job tickets, then the Maintenance Management Fee Structure outlined in agenda item 12 below shall apply and be provisioned for under the Approval of Budget & Levy Determination items of this agenda.*

Moved: Noel Cordy
Seconded: Tracy Jordan
Carried.

9 General Business

1. Other Matters: No further General Business matters raised by the Secretary and/ or tabled by owners for discussion at the AGM that are not already covered in agenda items.

10 Approval of Budget

The Secretary presented and explained the budget included in the financial statements tabled at the AGM and in the Financial Statements distributed in the agenda pack and supporting URL links and or supplementary attachments.

The following amendments were noted from the review discussions with respect to the body corporates operational requirements for the forthcoming financial year.

AGM Budget Discussion Notes:

- Admin-Body Corporate Management Fees for 2022/23 FY were incorrectly provisioned as $3,500 and not the $3,000 as approved at the AGM. $500 credit to be applied to the 2023/24 operating account.
- It was resolved to reduce the Admin-Body Corporate Management Fees for 2023/24 FY from the proposed $4,000 to $3,500.
- It was resolved to transfer $6000 from OPEX account to the LTMF, increase the LTMF annual levy to $6000 to ensure that more funds are available for the 2027 target date for external repaint.

Motion: *That the budget for the new financial period, including amendments made at this meeting be accepted.*

Moved: Noel Cordy
Seconded: Shane Kiwan
Carried.

11 Levy Determination

Levies are currently raised on a Single Annual payment basis and the meeting resolved to retain this payment cadence.

In the interests of keeping the body corporates new financial period cash (levy) inflow occurring as efficiently as possible, the levies resolved in the approval of budget agenda item above and the supporting determination/ raising profile as resolved in the following motion, will result in the first (and or only instalment as the case may be) being raised and distributed following this AGM. Owners note this may proceed the release of the formal minutes for this AGM.

Motion: *That the Body Corporate agrees to raise the annual levies and any special levies agreed at the meeting as per each owners respective units entitlements for said levies, payable by owners in accordance with the levy payment distribution and frequency agreed at the meeting, and that levies are to be paid by owners within 30 days of raising (or any other agreed and resolved due date as required), after which the Body Corporate may apply, at its discretion, interest, collection activity and charges as prescribed in the Accounts Receivable Policy contained in the following link*
<https://twlchc.sharepoint.com/:f:/s/ExternalShare/ElS8KFQ7J8lHqJgLLkf_6VgB_aG-B6cdPP5kL1TcPL0zaA?e=wa01zB>

Moved: Noel Cordy
Seconded: Shane Kiwan
Carried.

12 Secretarial & Asset Management Support Services

A summary of what the Body Corporate Secretary/ Manager undertakes for owners was distributed with the agenda pack inclusive of a link to the Body Corporate's current required Menu of Services (and their cost of supply).

Motions:

THAT;

The Body Corporate Chair or Committee (where elected) under its delegation of powers and method of contracting as resolved in the governance section of this AGM be tasked with procuring from the Secretary, the body corporate's required secretarial, facilities and maintenance management and any other variable support required by the body corporate for the upcoming operational year.

The Body Corporate further notes and resolves to accept the fixed Secretarial Fee budget (as defined in item 1 in the table above) and provisioned for in the upcoming years Administration Budget and further resolves to accept the required Variable "As & When Required" Services (as defined in item 2 in the table above) as so discussed and resolved in this AGM.

AND;

Noting a body corporate is afforded various "powers and duties" under Section 84 of the Unit Titles Act - <https://legislation.govt.nz/act/public/2010/0022/latest/DLM1160661.html>, that the body corporate's current Secretary be delegated all applicable duties of the Chair or Committee under the Unit Titles legislation that the Chair and Committee are authorised to delegate.

Moved: Noel Cordy
Seconded: Sue Bunn
Carried

14 Action Points for the Coming Financial Year

The Action Points that will be implemented in the coming Financial Year are as follows:

The Secretary to;
1. Advise owners of the results of the insurance review ahead of Feb 2024 renewal.
2. Adjust the LTMP to reflect: 1. linemarking was carried out by the owners in 2022, 2. External Paint to be moved out to 2027, 3. Increase LTMF annual Levy to $6,000.

Owners to;
- Confirm back to Secretary what owners or their tenants if any have professionally monitored burglar systems and this information will be tabled with the broker to influence the insurers risk assessment for 52 Hayton Road ahead of the insurance renewal 29 Feb.

The Chair extended their thanks to all stakeholders - the Secretarial Team for their ongoing professional support and the committee and owners for their engagement and participation and closed the meeting at 12:42 PM.