



**MINUTES OF ANNUAL GENERAL MEETING
HELD IN ACCORDANCE WITH THE UNIT TITLES ACT 2010**

**BODY CORPORATE No. 164980
PROPERTY AT: 148 Quay Street, Auckland**

AN ANNUAL GENERAL MEETING of this body corporate was held in the Kawau Room of the Mercure Hotel, 8 Customs Street, Auckland on Thursday, 9th May, 2013 commencing at 6.00 p.m.

PRESENT: As per Attendance List completed by owners
Peter Dowrick, Linda Parkinson, Paul McLuckie, Tom Morton, Dimitri Margaritis,
Mick Webb, Alan Penny, Elisabeth Vietmeyer, Silva Bassett, Torey Leggett, Frances
Ramsay, Geoff Hornby, Ross Boswell, Yvonne Lendrum, Alan & Maryanne Mummery,
Ann Sullivan.
Paula Beaton representing Body Corporate Administration Ltd as Body Corporate
Manager.
Also in Attendance: Russell McKinnon, Building Manager.
John Wardle from Stephenson & Turner attended the meeting.
Mervyn Wood from Auckland Council attended the meeting.

1. APOLOGIES & PROXIES:

Mick Webb held a proxy from Stephen Dudding, Units 2G & 6D
Mick Webb held a proxy from Jennifer Rendell, Unit 8A
Alan Penny held a proxy from Sarah McLauchlan, Unit 7F
Apologies from Christine Young, Unit 7D
Apologies from Ngaire Roebuck, Unit 6A
Apologies from Stephen Dudding, Units 2G & 6D

2. APPOINTMENT OF CHAIRPERSON:

There were no nominations for chairperson.

The duties of the Chairperson as described in Regulation 11 were discussed and it was resolved that BCA Ltd continue to provide services to cover the Chairperson's Duties.

3. CHAIR OF MEETING:

Paula Beaton was asked to chair the meeting.

4. MINUTES OF PREVIOUS ANNUAL GENERAL MEETING:

The Minutes of the Annual General Meeting of this body corporate held in the Motatapu Room of the Mercure Hotel, 8 Customs Street, Auckland, on Monday, 24th September, 2012 commencing at 6.00 p.m., were taken as read, approved, accepted and adopted as a true and accurate record.

Moved: Paul McLuckie

Seconded: Silva Bassett

Carried

5. BODY CORPORATE COMMITTEE:

It was resolved by the Body Corporate, by ordinary resolution that up to four unit title owners be appointed to hold offices as committee members and together shall constitute the Body Corporate Committee (the "Committee") and that the quorum for meetings of Committee shall be at least three committee members.



It was resolved that the body corporate committee is to comprise Alan Penny, Dimitri Margaritis, Stephen Dudding and Mick Webb.

Moved: Linda Parkinson Seconded: Yvonne Lendrum Carried

It was resolved that pursuant to section 108(1) of the UTA 2010 the body corporate delegates all of its powers and duties to the Body Corporate Committee (save those powers reserved to the body corporate under section 108(2) of the Act) and that the Chairperson provide the Committee with a written notice of this delegation in accordance with Regulation 22.

Moved: Paul McLuckie Seconded: Ann Sullivan Carried

6. INSURANCE:

It was resolved by the Body Corporate, by ordinary resolution, that in accordance with Section 135, the Body Corporate maintain the following insurances to comply with the provisions of the Unit Titles Act 2010:

- i. Material damage (to full replacement cost), and business interruption cover;
- ii. Other insurances as appropriate.

Moved: Torey Leggett Seconded: Maryanne Mummery Carried

It was resolved that the body corporate be insured with Gregan & Company Ltd via NZI Insurance Company for the forthcoming year and that the policy have a \$250 Owner Occupied Units Excess, \$500 Tenanted Units Excess, \$500 All Other Perils, \$5,000 for Water Damage Excess, \$1,000 Burglary/Malicious Damage Excess, \$2,500 Theft and \$10,000 Subsidence / Landslip Losses.

Moved: Mick Webb Seconded: Torey Leggett Carried

It was resolved that the Body Corporate take out Office Bearers' Liability insurance cover of \$500,000 via Gregan & Company Ltd.

Moved: Mick Webb Seconded: Torey Leggett Carried

7. FINANCIAL ACCOUNTS:

The financial accounts for the body corporate for the period 1.02.12 to 31.01.13 were submitted to the meeting, discussed, and adopted.

Moved: Ann Sullivan Seconded: Alan Mummery Carried

8. AUDIT:

It was resolved by the Body Corporate, by special resolution, that in accordance with Section 132(8), Section 132(2) will not apply to the financial statements of the Body Corporate for the financial year 1.02.12 to 31.01.13.

Moved: Maryanne Mummery Seconded: Yvonne Lendrum Carried

9. COMMON MAINTENANCE MATTERS:

The following matters were discussed and resolved:

- a) Work is required, on the top spandrel area that goes around the building where the old BMU (building maintenance unit) rails are situated. This area requires waterproofing and a long term solution to the removal of storm water from this area. Currently we have only about one to two downpipes out of four that are free from blockages. The spandrel area collects most of the storm water from this area upwards and a solution will need careful consideration. The Committee will work on remedies for these issues and report back with a view for work to be started in 2014.



- b) It was noted that the old BMU unit is currently sitting on the rails at the North West corner of the building. The Committee and Building Manager will investigate possible cost effective ways to remove it.
- c) There was discussion about the increase in the water bill. Russell McKinnon will continue to monitor the water usage. Owners should ensure that there are no water leaks. Owners also reminded they are responsible for any damage caused by water leaking through to other units.

Following discussion, the Committee will consider the option of having an inspection of all units for plumbing problems.

10. BODY CORPORATE LEVIES:

It was resolved by the Body Corporate by ordinary resolution that the levies to be imposed on each unit title owner until the next general meeting will be as per the agreed 2013/2014 budget.

Moved: Paul McLuckie Seconded: Dimitri Margaritis Carried

11. BUDGET:

The owners were provided on Committee instructions with two budget scenarios. There was majority instruction to proceed with the below budget.

Items	Budget (Incl. GST) 2013 / 2014 12 Months
	\$
Administration Fees	12,708.74
Sundries	1,000.00
GST	0.00
Titles / Legal / Consultancy	3,000.00
Insurance reinstatement	71,044.70
Insurance Office Bearers' Liability	2,024.00
Insurance Valuation	1,149.54
Building manager wages	57,714.86
Cleaning & cleaning materials	500.00
Window cleaning	14,720.00
Building wash	9,200.00
Rubbish Collection	10,100.00
Pest Control	2,200.00
Fire Services / WOF	10,703.72
Lift	33,300.00
Repairs, Maintenance	136,504.26
Common Power	33,000.00
Telecom	1,920.00
Water	60,000.00
Alarm / Security	1,300.00
Long Term Maintenance Fund	77,932.12
TOTAL OPERATING FUNDS	\$540,021.95

Moved: Ross Boswell Seconded: Silva Bassett Carried

It was resolved that the maintenance fund be set at \$136,504.26 for the forthcoming year.

- a) For future reference, the previous year's comparatives should be listed against the proposed budget. While the increase in the 2013/2014 budget is modest (2.5%) there may be a substantial cost involved to pay for the extra work on the roof (see Item 9(a) above).



- b) Subject to sufficient funds, the Body Corporate Manager is authorised to pay accounts for the body corporate as they fall due and to issue invoices to proprietors from time to time to recover their respective proportionate share of costs set by the budget in accordance with section 84(1) of the Unit Titles Act 2010.
- c) It was noted that the short notice for a previous installment last year was due to facing a cash flow problem as a result of the need to have the payments for the canopy, the lateness of the 2012 AGM, and delays to obtain a large GST refund from IRD.
- d) It was decided that the 2013 levies are due in two installments:
- The first installment is due 20th June 2013
 - The second and last installment is due 20th December 2013
- e) The Body Corporate Manager advised that a levy statement will be distributed to owners with a copy of the minutes and that payment of the levy for the forthcoming year should be paid by the date stipulated so that the insurance premium (and other expenses) can be paid.
- f) The Act stipulates that if a levy is not paid by the due date, the defaulting owner is in breach of the Act and legal action can be enforced. This may be referred to the Tenancy Tribunal depending on the amount in dispute.
- g) It was resolved that if any levies either authorised by this or any other general meeting of the body corporate are not paid by a proprietor on the due date, then the Body Corporate Manager is authorised and instructed on behalf of the body corporate to exercise those powers conferred on the body corporate by s.121 of the Unit Titles Act including the recovery of any costs expended as a result of that proprietor's default pursuant to s.127 of the Unit Titles Act. Interest recoverable pursuant to s.128 of the Unit Titles Act on such unpaid levies is resolved at 10% per annum.
- h) The Body Corporate Manager was authorised to recover debts from expenditure for the benefit of a unit or units in accordance with section 126 of the Unit Titles Act 2010 where it determined on behalf of the body corporate that one or more of the units has benefited from such expenditure substantially more than other units.

12. APPOINTMENT OF AGENT FOR TENANCY TRIBUNAL:

It was resolved by ordinary resolution that Price Baker Berridge be appointed to represent the body corporate for the Tenancy Tribunal as and when required.

Moved: Paul McLuckie Seconded: Dimitri Margaritis Carried

13. OTHER BUSINESS:

- a) There was a proposal to obtain an independent report on the earthquake position of the building. There are companies that do computer generated reports. The analysis of the earthquake report is to be distributed to the owners.

Alan Mummery suggested that the Body Corporate find out where the 41% rating came from. One of the issues is that of liquefaction.

The Committee will further evaluate options on the earthquake position of the building.

- b) Noise Issues – requested by Peter Dowrick (Apt 3G) – Peter Dowrick was concerned about increasingly noisy events. The Noise Control response was described as pathetic. It was noted that



noise complaints are an individual matter and irrespective of immediate action or not by noise control, owners are encouraged to lodge their complaints. If there is a large number of complaints on a specific issue Council is required to take action.

- c) Canopy – requested by Peter Dowrick (Apt 3G) – Peter Dowrick said that the new canopy leaks along the walls of the building even if there is a moderate rain fall (or window clean). It was noted during discussion that while guttering that takes most of the water often there will be an overflow. The canopy is designed in a way that does allow water to flow.
- d) Bricks taken up on footpath – requested by Peter Dowrick (Apt 3G) – The bricks that were taken up on the footpath have not been replaced. BCA Ltd is to make enquiries.
- e) Poor signal service from Sky TV – requested by Dennis Gain (Apt 11B) – Dennis Gain proposed that the wiring be upgraded to fibre optic or wireless.

It was noted that the Body Corporate undertakes to provide the TV signal to the apartment. Generally the problem is inside the apartments due to signal split or old wiring. Alan Penny has been through this with D & H Aerials.

If the problem occurs the suggestion was that owners should contact D & H Aerials on phone 027 498 8334. However before incurring the cost of D & H Aerials, owners may wish to get in touch with Paul McLuckie, an owner living in the building who is a qualified telecommunications engineer and has kindly offered to do signal strength diagnostics for any owner free of charge. Paul McLuckie may be contacted at paulmc@ourmail.co.nz. An alternative is to purchase signal strength meters from an electrical supplier.

- f) Ann Sullivan thanked the Committee for their superlative work on the property.

There being no further general business, the meeting closed at 7.30 p.m.