



**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 Monday, 12th May, 2014 commencing at 6.00 p.m.

PRESENT: As per Attendance List completed by owners
Paul McLuckie, Linda Parkinson, Ngaire Roebuck, Paul Chaplin & Andrew Sains, Henk Haazen, Geoffrey Hornby, Frances Ramsay, Simon Thompson, Tom Morton, Peter Stratford, Els Vietmeyer, Silvia Bassett, Torey Leggett, Mick & Genevieve Webb, Stephen Dudding, Dimitri Margaritis & Ann Sullivan, Alan Penny, Alan & Maryanne Mummery, Yvonne Lendrum, Ross Boswell.
Paula Beaton representing Body Corporate Administration Ltd as Body Corporate Manager.
Also in Attendance: Russell McKinnon, Building Manager.

1. CONFIRMATION OF QUORUM:

Stephen Dudding held a proxy from John Fleming, Unit 8D
Alan Penny held a proxy from Sarah McLauchlan, Unit 7F
Yvonne Lendrum held a proxy from JJ Rendell, Unit 8A
Torey Leggett held a proxy from Jerome Mainguet, Unit 11D
Torey Leggett held a proxy from Liu Sing & Tsiu Ling, Unit 10D
There were no apologies.

It was resolved that the apologies and proxies be sustained.

Moved: Peter Stratford Seconded: Simon Thompson Carried

A quorum was established.

2. CHAIRMAN'S REPORT:

Mick Webb tabled and read out the Chairman's Report to the meeting. A copy is to be appended to the minutes.

3. RESOLUTION 1 – APPOINTMENT OF CHAIRPERSON:

There were no nominations for Chairperson.

4. RESOLUTION 2 – DUTIES OF CHAIRPERSON:

As there were no nominations for Chairperson, Resolution 2 was not applicable.

5. RESOLUTION 3 – MINUTES OF PREVIOUS AGM:

It was resolved by the Body Corporate by ordinary resolution that the Minutes of the Annual General Meeting of this body corporate held in the Kawau Room of the Mercure Hotel, 8 Customs Street, Auckland on Thursday, 9th May, 2013 commencing at 6.00 p.m., be accepted and adopted as a correct record of that AGM.

Moved: Torey Leggett Seconded: Tom Morton Carried



6. RESOLUTION 4 – CONSTITUTION OF 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.

Moved: Paul McLuckie Seconded: Maryanne Mummery Carried

7. RESOLUTION 5 – APPOINTMENT OF COMMITTEE MEMBERS:

It was resolved by the Body Corporate by ordinary resolution that the Committee is to comprise Mick Webb, Dimitri Margaritis, Stephen Dudding and Alan Penny.

Moved: Paul McLuckie Seconded: Maryanne Mummery Carried

8. RESOLUTION 6 – DELEGATION TO THE COMMITTEE:

It was resolved by the Body Corporate by special resolution that the Body Corporate delegate to the Committee:

- (a) all of the Body Corporate's powers and duties which it is able to delegate under authority of Section 108 of the Act;
- (b) all of the duties of the Chairperson as described in Regulation 11, except those duties that have, by Resolution 2, been retained by the Chairperson;

And that the Chairperson provide the Committee with a written notice of this delegation in accordance with Regulation 22.

Moved: Simon Thompson Seconded: Peter Stratford Carried Unanimously

9. LONG TERM MAINTENANCE PLAN:

The Long Term Maintenance Plan prepared by Opus was tabled at the meeting.

There is a mandatory three year review and the Committee will arrange Opus to review and report back to the owners.

10. RESOLUTION 7 – BODY CORPORATE INSURANCE:

It was resolved by the Body Corporate by ordinary resolution that in accordance with Section 135, the Body Corporate maintain the following insurances:

- (a) material damage (to full replacement cost), and business interruption cover;
- (b) other insurances as appropriate.

To comply with the provisions of the Unit Titles Act 2010.

Moved: Mick Webb Seconded: Stephen Dudding Carried

It was resolved that the body corporate be insured with NZI via Gregan & Co. Insurance Brokers for the period and that the policy have a \$250 Owner Occupied Units Excess, \$500 Tenanted Units Excess, \$500 Unoccupied Units Excess, \$1,000 Burglary & Malicious Damage Excess, \$2,500 Theft / Water Damage Claims Excess, \$500 Public Liability Claim, \$500 Statutory Liability Claim, \$10,000 Claims Preparation Costs, \$400,000 Loss of Rentals Cover, \$500,000 Statutory Liability Cover and, \$5,000,000 Property Owners Liability Cover.

Moved: Mick Webb Seconded: Stephen Dudding Carried

Insurance cover is currently based on the reinstatement valuation certificate provided by Seagars.

Quotes from Quantity Surveyors

Quotes from Quantity Surveyors to assess reinstatement value for insurance purposes were tabled at the meeting from:



- Quantum estimate
- Kwanto
- BQH

In response to a query, it was noted that a quantity surveyor uses a different methodology from a valuer to calculate the value of the building. Stephen Dudding said that from his experience, values are increased by one-third than that of an average valuer's. A quantity surveyor does not inspect each individual apartment however they take a sample of a unit and are more interested in materials. The quantity surveyor's report does not include a refit to each apartment i.e. they assume on an above average fitout and insure on that basis i.e. it is the structure and everything fixed to it. Owners will still need to take out internal contents insurance.

Maryanne Mummery suggested increasing the valuation figure by one-third. Stephen Dudding responded that some insurers may not accept it as a true figure. Insurers may require proof of the correct valuation particularly for such a large building. Stephen Dudding will approach the insurer for clarification.

Dimitri Margaritis raised the issue that even though insurance cover is increased on the basis of a quantity surveyor's report, there is still no guarantee what the insurer will pay out in the event of a disaster since full replacement may not be necessary even under an extreme event. He also queried as to whether a quantity surveyor will produce a figure that is close enough to the full replacement value of the building if and when an extreme event happens. Stephen Dudding responded that the answer to this is unknown and engaging a quantity surveyor will be the best estimate of the true value of the building.

Alan Penny's preference is to continue using the Seagar's valuation certificate as per the insurers requirements.

If a quantity surveyor's report is obtained, it is likely to increase the sum insured of the building and consequently the insurance premium. If there is an increase, one option is for BCA Ltd to obtain a decision via postal vote and generate a levy for the difference in premium.

A quantity surveyor engagement would only be one-off and Stephen Dudding considered that this would give security to owners in the event of an extreme event.

Mick Webb advised that once the quantity surveyor submits this information, the body corporate has the legal responsibility to disclose the new valuation figures to the insurance company.

Dimitri Margaritis noted that it will also have implications on mortgages.

Peter Stratford suggested a third option by locking in this year's insurance and also asking a quantity surveyor for a valuation for next year. Peter Stratford agreed with Dimitri Margaritis in some aspects but considered that it would be beneficial to work out how far apart the valuation and a quantity surveyor is on the value of the building.

Stephen Dudding said if the owners want to accept the Seagar valuation for this year's insurance, then it would be better not to obtain a QS report until next year and table it at next year's AGM.

It was proposed that owners authorise the Committee to spend up to \$15,000 plus GST on a QS report and if that shows that the insurance needs increasing to place additional insurance and levy the owners if there is a shortfall in the insurance.

Moved: Stephen Dudding

Seconded: Paul McLuckie

Carried

A hand count was taken – there were 16 owners in favour. There were no votes against after vigorous debate.



BCA Ltd was instructed to go back to the insurance company to see how much they will be willing to reduce the premium if the standard excess was increased. This may be a preferred option in the event we had to increase the sum insured. A higher excess will also decrease the number of claims partly offsetting future premium increases.

BCA Ltd is to ask for a graduated report with an increase of excess of up to \$10k.

11. RESOLUTION 8 – APPROVAL OF FINANCIAL STATEMENTS:

The financial position has improved over the financial year by \$140,000 with the additional funds gone into the Long Term Maintenance.

Accounts receivables as at 31 Jan 2014 are down to \$840 which is a positive development. It was noted that the Statement of Financial position comparative figures should read January 2013 not 2012.

As a further matter of clarification, it was noted that funds had been reallocated from the Long Term Maintenance Fund to close a shortfall in the operating balance since the body corporate cannot have a negative operating surplus.

There was a query about the inclusion in the Long Term Maintenance Plan of a proposed window joinery replacement item which is in fact an individual owner's responsibility. Mick Webb and Stephen Dudding were of the opinion that this may relate to the common area joinery in the foyer but Stephen Dudding will obtain clarification from Opus.

Peter Stratford added that on page 10 the Long Term Maintenance Plan mentions replacement of windows and joinery etc. Alan Penny reconfirmed that it is the responsibility of the owners to replace their own windows and joinery of their individual units.

Stephen Dudding noted that the Long Term Maintenance Plan will be reviewed by Opus in August this year, and requested that owners email him with any queries so it can be clarified by Opus. Any ideas will be gratefully received. **Owners are to email Stephen Dudding (phone 0212 894 185, email stephen@ppetal.co.nz) by the first week of July 2014. A summary of feedback will be emailed to all owners.**

It was resolved by the Body Corporate by ordinary resolution that the financial statements for the financial year 1.02.13 to 31.01.14 be adopted and approved.

Moved: Mick Webb Seconded: Stephen Dudding Carried

12. RESOLUTION 9 – AUDIT OF FINANCIAL STATEMENTS:

Body Corporate 164980 has their own bank account and this system of governance revolves around the Committee approving all invoices. If they are maintenance type invoices, the Building Manager will first approve before being sent to the Committee for approval. BCA Ltd's Trust Account is subject to random audit so this body corporate may not be audited every year. An alternative is that owners can opt for a specific audit at an additional cost.

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 1.02.13 to 31.01.14.

Moved: Maryanne Mummery Seconded: Torey Leggett Carried
There were no objections.



13. **ADDENDUM TO CHAIRMAN'S REPORT FROM THE BUILDING WALKAROUND:**
Mick Webb read out the maintenance items, the Committee walked around with Russell to see what is needed around the building.

There was discussion on various maintenance items as follows:

Maintenance items to be address in the next 12-24 months

- When we repaired the water main entry from Quay Street the contractor was unable to complete the water main works in the lower ground and basement area; this is simply a pipe which is hanging through the stairwell which needs to be re-fixed.
- BMU – this is a large structure on rook 11 - is to be cut up with an angle grinder and taken down in the lifts. Just the unit and framework leaving the rails in place. Discussion to be had as to whether the unit is to be moved and cut out (Alan's preference) or welded in place and left, being a cheaper option suggested by Mick. The problem with simply leaving it unfixed is that people move it to access various parts of the rook area and in doing so scrape all the sealing paint off and expose areas to rust damage; and the issue with welding it into place – although cheaper – is that we cannot find a place that would be suitable – anywhere potentially blocks access to parts of the roof, parapets or services.
- Mr Mummery has raised issues regarding fire-proofing of some AU's – storage units. Although the committee has had these "cleared" by a fire expert, Mr Mummery points to issues that should be investigated further – attached are his notes.
- We do the lobby and landing carpets on an as required basis; so presently levels 3 and 8 needs addressing. The problem with the carpets is that there is an odd underlay which takes a lot to scrape off but as we do them we should scrape the underlay off and put a 15mm carpet on it rather than 10mm. If there is a discussion about them being done by the Committee, the committee's response is that it is cheaper to have them done as a block as we need to, and also it gives uniformity where as if everyone does their own there will inevitably be variations of colour, quality and timing.
- Stairwells, fire escapes, all the step-risers between floors 11 and 12 have the vinyl falling off and also the treads on the edge that all need replacing. So recommendation is 11-12 is completely redone the rest of the stairwell is in good order and safe; and that other stairwell areas are maintained as required (some areas need immediate attention).
- Russell to get rid of computing rubbish in the stairwell on the upper 11. Someone has dumped old computing equipment there which is not only an eyesore but potentially a fire hazard
- We need the butynol replaced on the roof of level 12. The waterproofing membrane is showing signs of sever degradation. The membrane is also needing attention in the tank room as well and level 3. The problem with the tank room is that the membrane appears to have been laid under the tanks; and how we are to replace that is currently a mystery, and we need to obtain expert advice. Potentially this is a very vulnerable area – the tanks contain thousands of litres of water and of course need to safely sealed off in case of tank rupture or failure.
- Holes to be drilled in level 11 for water discharge. See Chairman's report for more detail – we await a quote from the Contractors, being arranged by John Wardle
- Remove the redundant satellite dish from level 15.
- Level 4 McLuckie to Chang area – work needs to be done to this area in relation to sealing and waterproof membranes
- Metal stairwell on level 12-13 requires metal cleaning.
- Crossover room level 13 needs complete clean out.
- The stairs on the other side through the crossover room on level 12 also need metal cleaning.
- Lift room – the rubbish and old computing equipment needs to be removed.
- We are getting a survey on the lift but the life of the lift is limited and because of the age the machines will need a complete replacement within the next X years. So within the next three to five



- years there will need to be a complete lift replacement. This has to be addressed by the owners – perhaps by increasing the long term maintenance fund levies to speed up the savings programme?
- Remember there is no redundancy for the service lift. The overuse of the service lift needs to be addressed perhaps access by key on the ground floor because it is being fetched by every resident – according to lift service providers the use of this lift is nearly three times that of any other lift!. Residents are pressing both buttons at the bottom which means that they were getting double the power usage and that is the single biggest area of power usage is the lifts. The security people said that service lifts should not be for public use apart from penthouse residents because of safety and tripping hazards and because there is also a security issue with access to the cart dock because there is a master switch that allows the door to be opened and left open by any resident or intruder. Committee to investigate ways of securing the use of service lifts to only Penthouse owners and on an “as needed, and with Russell’s presence” by other owners. One of the issues is that this will restrict access to the cart dock where owners take large rubbish items – committee and Russell need to liaise with lift service providers to investigate options.
 - On the lift room there is a strip where there are open areas (designed to be so) but this means that there is absolutely no fire block between us and the outside world – meaning that in the case of fire these will provide a “flue” to promote the expansion of any fire. Russell says there are also vents like this in the tank room so we need to check with Aaron to see whether this is a problem. This should be done in conjunction with the examination of the AU’s as above
 - The area outside the access to water tower – all that rubbish needs to be removed and taken away.
 - Safety rail up to the water tank needs to be re-fixed.
 - The tank rooms and other upper storage areas all need clearing out and the old rubbish and wood and light fittings need to be removed. Again there are open air vents here – talk to Aaron about whether this effects the fire rating.
 - The access stairwells up to the lift room and up to the water tank room all need repainting.
 - The electric conduit boxing on the upper floor areas, especially approaching the tank room areas, needs to be replaced or boxed as it is all just hanging loose
 - The east side stairwells from the water tower down are in good shape in comparison to the west side that need minor maintenance to the lips. Commercial cleaners to come in and do the stairwell.
 - The exterior of the apartment doors on each landing will need to be repainted. Again argument whether they should be a Body Corp or owners matter – the reasons the same, uniformity both of colour, quality and crucially timing so that we don’t have some done and others not. This is not urgent.
 - The lighting in each foyer needs to be scoped – much of it is partially or totally non-functional. Follow up with grammar electrical SUBJECT TO owners’ decision as to Mr McLuckie’s proposal re LED lighting. Lighting on levels 3, 8 and 6 needs urgent attention.
 - Stephen to follow up with Archives New Zealand to see if we can find the detail plans for Ministry of Works. Se Chairman’s report
 - The foyer –the planter box outside has been completed; we now need to move on to a design to upgrade and tidy the foyer are, and especially the mailboxes – preferably in a manner that allows facilities for courier post to leave parcels larger than a letter, to save owners trudging up to Victoria Street to retrieve parcels “too big” to fit into mail boxes. Perhaps for example design the mailboxes so that there can be perhaps one box at the top of each column for each floor for oversized mail or mail that won't fit through the existing slot. Then we could look at perhaps replacing the doors on each mailbox and then repainting it white.
 - There is an issue with rubbish smells, especially it seems in strong north-easterly winds which force the bad air back into apartments (rather than taking it out with the passive air-exchange process) meaning that many of the lower apartments – level 2 for example – can smell like land-fills during those winds. The ventilation engineers have been unable to pinpoint any solution and the committee needs to keep working on this

List of major things that have been done in the last year (in addition to the myriad normal and



usual items that always need attention):

- Upgrade of the interior of the lifts.
- Roller door to car park level 1 has been replaced.
- The gas ingress unit on Tyler Street has got a safety cage around it.
- The emergency lighting in the basement – completely overhauled, all batteries replaced and the systems tested.
- The doors to the service shaft which is completely open from the top to the bottom of the building is one long column which is a potential safety hazard – a person could step into the service shaft (which is dark) and fall several floors– all now have door padlocks placed on them for a safety precaution by Russell.

14. RESOLUTION 10 – BODY CORPORATE LEVIES:

There was discussion of the proposed budget, and in particular the allocation for the Long Term Maintenance Fund. One option was to set a higher Repairs & Maintenance budget and lower Long Term Maintenance Fund and transfer any unused funds from the former to the latter.

Tom Morton commented that there is no problem with the establishment of budget items but it should be based on factual assessment. The Opus report notes the Long Term Maintenance Fund should be set at \$210k which was based largely on replacing windows in the building.

This year's budget proposed a 5% increase on last year's budget.

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 2014/2015 budget.

Moved: Maryanne Mummery Seconded: Tom Morton Carried

BUDGET:

Items	Budget (incl. GST) 2014 / 2015 12 Months
	\$
Administration Fees	12,881.58
Sundries	4,000.00
GST	0.00
Titles/Legal/Consultancy	4,500.00
Insurance Reinstatement	73,570.10
Insurance Office Bearers'	2,125.20
Insurance – Group Liability & BI	1,150.00
Insurance Valuation	1,094.80
Building Manager's Wages	59,593.92
Cleaning & Cleaning Materials	600.00
Window Cleaning	14,720.00
Building Wash	9,200.00
Rubbish Collection	10,700.00
Pest Control	2,500.00
Fire Services / WOF	12,000.00
Lift	33,800.00
Repairs, Maintenance	81,633.92
Common Power	34,800.00



Gas	0.00
Telecom	2,400.00
Water	60,000.00
Alarm / Security	1,140.00
Long Term Maintenance Fund	144,352.53
TOTAL	\$567,022.05

Moved: Maryanne Mummery Seconded: Tom Morton Carried

It was resolved that the maintenance fund be set at \$81,633.92 for the forthcoming year.

LEVIES:

- a) Subject to sufficient funds, the Body Corporate Manager was 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.
- b) 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 can be paid.
- c) 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.
- d) 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.
- e) 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.

OTHER BUSINESS

15. RESOLUTION 11 – LIGHTING UPGRADE TO LED:

Paul McLuckie noted that the quote is based on replacing halogen lights and cove lighting around the edge to LED.

Stephen Dudding noted that the cove lighting has not been used in approximately ten years as the lights were turned off to save power. It will cost a bit of money to reinstate the lighting but it was noted that the cove lighting is only cosmetic. Mick Webb noted that the ground floor is very dark.

Ross Boswell mentioned that he recently refurbished his apartment and was under the impression that Grammar Electrical must be used for electrical work. Although the work was eventually not required, he discovered that Grammar's Electrical quote was about 30% more than a comparative quote obtained.



Mick Webb said there are very different qualities of LED lights and the cheaper lighting are not good quality. Mick said however that we are not tied to Grammar Electrical but Russell McKinnon has found them very good as they also carry out work after hours, which is not often the case with other electricians.

Stephen Dudding noted that the Committee approached other electricians for quotes for lighting around the edge but the issue is that there are a lot of gas pipes immediately behind the lights and light fittings cannot be fitted there anymore. Stephen Dudding said that not all the lights may be able to be replaced.

Stephen Dudding noted that if the meeting voted to proceed with the lighting proposal the Committee would automatically tender for it, however Grammar Electrical, as the preferred electrician, would be given the opportunity to meet other tenders.

Stephen Dudding said the review of each fitting in each foyer needs to be completed. Paul McLuckie said it is a two stage process i.e. whether all halogens are replaced and replace all the strip lighting in the foyer. The second issue is whether owners want to upgrade all strip lighting on every single floor.

Mick Webb suggested that the meeting vote on replacing foyer lights only and then consider alternatives for the other floors.

An owner asked what the alternatives are to strip lighting. Mick Webb responded that existing lights could be replaced with LED's. It was queried whether this would improve lighting significantly. Mick Webb said yes, it would. Paul McLuckie advised that the same illumination level would be achieved. There is no strip lighting at this stage.

Tom Morton suggested simply replacing ground floor lighting with LED then review the situation then. In terms of wanting to raise the illumination level on the ground floor, Stephen Dudding said it will not better the lighting unless the strip lighting is turned on.

The cost for strip lighting is approximately \$2,500 per floor. Additional lights can be included for an extra cost.

The proposal is to replace halogens on every floor to LEDs and the halogens and strip lighting on the ground floor at a cap of \$15,000 GST. The Committee will put the lighting work out to tender. Funds spent on replacing to LEDs will be apparent within two years.

It was resolved that the halogens on every floor be replaced with LED and the halogens and strip lighting on the ground floor be replaced with LED.

Moved: Paul McLuckie Seconded: Tom Morton Carried

16. RESOLUTION 12 – CAR STACKER PROPOSAL:

Paul McLuckie referred to a shortage of carparking within the building and submitted a proposal to install a car stacker within his carpark.

Paul McLuckie offered to engage an engineer to investigate the possibility of his proposal at his own cost. In the event that an engineer deems it not possible then it will not be pursued further.

There was discussion of air space rights which dictates that a stacker can only extend 1.2 metres high which is why the proposal was submitted to the AGM.



Stephen Dudding said his preference is to see what the proposal entails before agreeing to rent out an air space out.

It was noted that the carpark owners must agree to a car stacker proposal because the area is common.

It was suggested that Paul McLuckie investigate engineering requirements as offered then discussion should take place, or firstly discussions should be made with the co-owners of the carpark.

Alan Mummery noted that the issues also extend to whether structurally the carpark can hold a car stacker, whether it changes the seismic loading on the building and also creates security and OSH issues. Depending on the width of the equipment, a WOF may also be required on every piece of equipment, whether it is insured etc.

Tom Morton suggested to Paul McLuckie to obtain all the necessary information and propose it to the carpark owners. Tom Morton said he has no objections with the concept, provided that all necessary requirements are met, then he believed the AGM should agree in principle to providing air space.

Alan Mummery said that the biggest problem is that there are 30 carpark owners, some are in favour and some are against the concept. He further commented that the carpark has not been designed for stackers as it requires a 3 metre wide carpark and this would create access issues.

Dimitri Margaritis raised issues from an insurance perspective and possible repercussions on unit entitlements.

Paul McLuckie noted that a special resolution requires 75% of owners present at a meeting, however as this was attendance was not met, there was no agreement to proceed with a car stacker at this stage.

Dimitri Margaritis said a further concern that he has with stackers is that some car park owners who cannot have the option to install them because of car park location etc would be disadvantaged. This is simply a problem of supply and demand. A car park with no stackers will be valued at less than its present value which in large part reflects an excess demand premium.

17. Email from Jerome Mainguet (Unit 11D) regarding his request of \$500 insurance excess to be reimbursed was tabled at the meeting and discussed.

The owner of 11D had experienced water damage and believes the water damage insurance excess of \$500 should be reimbursed to him by the body corporate. As background information, Mick Webb said that major renovations were done to the property by Level 12. In order to carry out the renovations scaffolding needed to be erected. The Committee agreed to the proposal and arranged for the contractors, architects and all parties involved to sign a document saying they were responsible for any damage. A large bond was also held and the works proceeded.

The owner of 11D took photographs of the scaffolding and the indentations above the roof of Level 11. Mick Webb advised that most of the indentations had probably been there for a very long time and were caused by window cleaners and contractors etc. The roof is made of metal and easily dents when people walk on it. The photographs were sent to the Committee with the complaint that all damage was caused by the scaffolding. The Committee responded saying, firstly there was no proof that this was the case, and advised that the issue is between individual neighbours and should be resolved accordingly. After the scaffolding was removed the Level 12



builders proceeded to repair any dents they believe they have caused (plus a lot of the original dents that they did not cause) at their own cost.

Jerome Mainguet returned to his apartment and reported cracks in his ceiling and water egress. Mick Webb noted that it was unclear whether they were old water leaks or new leaks.

The Committee did not believe that the scaffolding on Level 11 roof was the cause of the issues in Level 11D. The owner lodged an insurance claim for the damage through the building insurer. Level 12 owner subsequently offered to fix the problem and emailed the 11D owner with this offer but received no response.

The 11D owner had queried whether, after the roofing and other leaks had been fixed, if the timbers in the roof had dried out and that had caused the cracking in the ceiling.

Torey Leggett as acting proxy for 11D, noted that the owner travels extensively and that response times can be delayed.

Ross Boswell advised he will email Jerome Mainguet informally to offer to pay 50% of the insurance excess i.e. \$250.

After extensive discussion, it was agreed that the owner is responsible for the insurance excess and there was no BC agreement to reimburse \$500 to owner of 11D.

A motion to reimburse 11D for the insurance excess was put on vote.

Motion not carried.

One vote in favour.

18. Letter from Alistair White regarding Proposed City Rail Link was tabled and discussed at the meeting.

A further update was provided and tabled at the meeting.

There was discussion of legal funds and the benefits of engaging a barrister to support the Committee. Peter Stratford suggested employing barrister Richard Brabant, an environmental lawyer, who was very instrumental in supporting the Committee when Britomart was in the process of being built. Peter Stratford said it would be useful that to re-employ Richard Brabant to represent Body Corporate 164980 during the consultation process of the Proposed City Rail Link, and also during the development of Princes Wharf.

There was discussion of a separate budget of \$15,000 for the purposes of engaging a barrister. There was also a suggestion to appoint a Sub-Committee of owners and Committee members. The alternative is to continue using a planner and the Committee as representatives.

Peter Stratford reported that Council are going to work on the sea wall on Tyler Street which goes down 65 feet and Tyler Street will be entirely shut down during an extended period of time. Further ramifications include noise, traffic management, dust, vibrations and their effects on the integrity structural or superficial of the building.

An owner suggested that a decision on voting for a \$15,000 budget be put in abeyance as a special resolution. Mick Webb responded that the structural integrity of the building must be a priority and the body corporate may miss the opportunity to 'act'.



**BODY CORPORATE
ADMINISTRATION**

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Body Corporate Administration Limited > Body Corporate Secretary under Unit Titles Act 2010

Sub-Committee – It was agreed that a Sub-Committee be appointed comprising Peter Stratford, Tom Morton, Paul McLuckie and Ross Boswell. Stephen Dudding will act in the capacity of liaison person between the four men on the Sub-Committee and the Body Corporate Committee.

The timeframe for the work to be completed is unknown but four years was given as a possible estimate.

Additional Levy of \$15,000 – It was resolved that a possible additional levy \$15,000 may be required as and when the Committee determine necessary after recommendation of the Sub-Committee and the Committee to determine the due date.

Moved: Paul McLuckie Seconded: Ross Boswell Carried

19. Thanks were extended to the Committee for their contributions.
20. The following documents are to be sent to the owners with the Minutes of the Meeting:
 - I. Chairman's Report.

There being no further general business, the meeting closed at 8.30 p.m.