



**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 the Mercure Hotel, 8 Customs Street, Auckland on Wednesday, 28 September 2016 commencing at 6.00 p.m.

PRESENT: As per Attendance List completed by owners:
F A Ramsay (Level 9), K A Penny (Unit 8A), M Webb (Unit 14), D Mulligan (Unit 3K), S Dudding (Units 2G & 6D), D Margaritis (Unit 4F), Paul McLuckie (Unit 4G), M & A Mummery (Unit 5A), R Boswell (Unit 12A), A Sullivan (Unit 4F), P Chaplin & A Sains (Unit 3H), Steven Chang (Unit A), T Leggett (Unit 3B), P Stratford (Unit 7G)
Lyn Clapperton, representing Body Corporate Administration Ltd as Body Corporate Manager.
Also in Attendance: Russell McKinnon, Building Manager, Martin Simmons of ACE Air-conditioning, Ian Green, Project Manager for Rank Group; Annette Holzman, Accountant, Webb Group

1. CONFIRMATION OF QUORUM:

Proxies Received:

Liu Sing – Unit 10, in favour of Torey Leggett
Jerome Mainguet – Unit 11D, in favour of Torey Leggett
Kevin & Carolyn Pyne (Unit 2F) in favour of Stephen Dudding
Sylva Bassett for (Units 2B, 2J, & 8B) in favour of Stephen Dudding
Rong-Yu Chang & Kan-Hkin Chang-Hung (Unit A) in favour of Steven Chang
F Amaru, C Chene & H Lien (Unit 3K) in favour of Dean Mulligan
Tom Morton (Unit 2C) in favour of Mick Webb
Nancy Su Fen Tsai (Units 5D & 5E) in favour of Torey Leggett
Mainguet Jerome (Unit 11D) in favour of Torey Leggett

Postal Votes:

Dave & Karen Brady (Unit 8C)

Apologies as per proxies and postal votes

A quorum was established.

It was resolved that the apologies and proxies and postal votes be accepted.

S Dudding/M Webb

Carried

2. RESOLUTION 1 – APPOINTMENT OF CHAIRPERSON:

It was resolved by the body corporate by ordinary resolution that Mick Webb be appointed Chairperson of the meeting.

M Mummery/T Leggett **Carried**

Because of the attendance of invited speakers Martin Simmons from Ace Air-conditioning and Ian Green from Rank Group at the meeting , it was agreed to move item 12.1 on the agenda, discussion about the air-conditioning, forward.

AIR-CONDITIONING /HEATING ON ROOF

Martin Simmons was introduced to those present and explained that he had been engaged by Rank Group to assess the condition of the current air-conditioning units/heating units currently on the roof of the 11th floor. These units had been in place for the past 10-11 years and were reaching the end of their life. One of the units had failed and there was a desire by Rank Group to replace these units. Because of the review of the Health & Safety legislation, ACE were not prepared to continue to provide service people to service the units in their current position so were proposing that the units be relocated to the walkway behind Mr & Mrs Boswell's apartment. It was also noted that there are 3 or 4 other units on the roof which have never been serviced and these are owned by other owners in the building. Following extensive questioning, Mr Simmons confirmed that his company would not be prepared to take the risk to their service team by replacing the units in the current position. It is possible that there may be other companies who would be prepared to do so. Any new units would be considerably quieter than the current models but there would still be some sound emitted. Owners expressed the concern that there were other owners in the building who also wished to take advantage of air conditioning, however Martin Simmons confirmed that units on the roof were only able to provide air-conditioning/heating to within three floors, so the option for air-conditioning/heating to the entire building involved a complete refit and reconfiguration of the building which would be extremely costly. The consideration therefore is only to replace the current service which has been available to Rank Group for at least ten years. Owners also expressed a wish that the other owners of the existing units on the roof were also able to have the opportunity to continue to have access to air-conditioning/heating. So this needed to be considered when looking at where these units could be placed. The committee would need to be provided with full detailed plans and drawings before any replacement could be considered.

Having responded to all of the technical questions, it was agreed to leave further discussion on the matter to General Business and Martin Simmons and Ian Green were excused from the meeting.

3. RESOLUTION 2 – DUTIES OF CHAIRPERSON:

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

4. 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 offices of BCA, Level 3, 115 Queet Steet, Auckland, on Monday 11 May, 2014 at 6.00 p.m, be accepted and adopted as a correct record of that AGM.

S Dudding/P McLuckie **Carried**

5. 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 and that the quorum for meetings of Committee shall be at least **three** committee members.

P McLuckie/M Mummery **Carried**

6. RESOLUTION 4A – APPOINTMENT OF COMMITTEE MEMBERS:

It was resolved by the Body Corporate by ordinary resolution that the Committee is to comprise:

Mick Webb (Unit 13A), Stephen Dudding (Unit 2G), Dimitri Margaritis (Unit 4F) and Alan Penny (Unit 8A).

M Mummery/T Leggett **Carried**

7. RESOLUTION 5 – DELEGATION TO THE COMMITTEE:

It was resolved by the Body Corporate by special resolution that the powers that have been delegated are all of the duties and powers of the Body Corporate (except those excluded by s.108 (2). The delegation endures until the end of the next AGM, and the Committee shall report at least once prior to or at the next AGM for the Body Corporate on the delegation. This statement is evidence of the Body Corporate Committee's authority to perform each duty or exercise each power that has been delegated.

S Dudding/A Sullivan **Carried**

8. COMMITTEE REPORT FOR 2016 AGM:

The Committee's Report for the 2016 AGM was circulated to owners at the beginning of the meeting and the Chairman of the meeting read the report to owners. A copy of the report is attached to these minutes for the benefit of those not present at the meeting.

9. LONG TERM MAINTENANCE PLAN:

The Long Term Maintenance Plan which was originally completed by Opus was updated in 2015 with the assistance of Keith Penny.

10. RESOLUTION 6 – BODY CORPORATE INSURANCE:

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

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

In compliance with the provisions of the Unit Titles Act 2010.

S Dudding/T Leggett **Carried**

An updated valuer's reinstatement insurance certificate completed by Seagar & Partners had been forwarded to owners with the call out for the meeting together with details of the renewal of the insurance through Mark Gregan & Co.

The insurance had been placed with Gregan & Co for the year from 10 March 2016 to 10 March 2017 at a total premium of \$57,774.20 inclusive of GST, on the instructions of the committee.

The policy is underwritten by ACE Insurance and has the following policy provisions: \$250 Owner Occupied Units Excess, \$500 Tenanted & Unoccupied Units Excess, \$500 All Other Perils, \$1,000 Burglary & Malicious Damage Excess, \$2,500 Theft / Water Damage Claims, \$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.

11. RESOLUTION 7 – APPROVAL OF FINANCIAL STATEMENTS:

It was resolved by the Body Corporate by ordinary resolution that the financial statements for the financial year 1 February 2015 to 31 January 2016 be adopted and approved.

S Dudding/M Webb **Carried**

Annette Holzman was introduced to those present. Annette has been engaged by the body corporate committee to manage the accounts for the body corporate. Annette is an experienced and qualified accountant and financial controller. A set of accounts up to the 31 August 2016 were provided to those present and it was explained, that as the body corporate is GST registered, in line with usual accounting practices, all future accounts will be presented in GST exclusive format.

12. RESOLUTION 8 – AUDIT OF FINANCIAL STATEMENTS:

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 February 2015 to 31 January 2016

T Leggett/M Mummery **Carried**

Stephen Dudding explained to those present that Annette had completed a reconciliation of the accounts when transferring the funds from BCA to the body corporate's own accounts which had been set up with Westpac. The committee now has full access to the account, approves all invoices for payment and all transactions are balanced against the bank statement at the end of each month. There is now an

automatic payment set up for the Building Manager who receives his monthly payment on time and all creditors invoices are paid by the due date.

13. RESOLUTION 9 – BODY CORPORATE LEVIES:

There was a full discussion on the proposed budget which the committee had considered and proposed for the meeting.

BUDGET:

Items	Budget 2016 / 2017 12 Months	Comments
	\$	
Administration Fees	13,100.67	CPI increase applies
Sundries	3,000.00	For disbursements, petty cash etc
GST	0.00	Same as last year
Titles / Legal / Consultancy	4,500.00	Based on last year's actual
Insurance reinstatement	55,962.45	As per actual quote from Gregan & Company
Insurance office bearers'	1,811.25	As per actual quote from Gregan & Company
Insurance – Group Liability & Business	0.00	No actual cost last year as discussed
Valuation	1,094.80	As per actual
Building manager wages	66,300.00	Est \$5,525 per month
Cleaning & cleaning materials	1,000.00	Based on Last years actual
Window cleaning	14,720.00	@\$3,680 per quarter as per quarter
Building wash	10,000.00	Every 6 months for the building wash
Rubbish collection	12,600.00	Avg @ \$1,050.00 month for Envirowaste
Pest Control	2,860.00	Avg \$715.00 per quarter
Fire services / WOF	14,000.00	Based on Last years actual
Lift	36,380.00	@\$8,145.00 per quarter, + \$800 for IQP + \$3000 var
Repairs, Maintenance	78,916.36	Estimate
Common Power	30,000.00	Avg @ \$2,500/mth based on actual expense
Gas	0	To be recovered from owners
Telecom	2,820.00	Est @ \$235/mth
Water	44,000.00	Avg @3,667 per month
Alarm / Security	12,944.48	Est \$787.04 per month + \$3,500 additional
Long Term Maintenance Fund	144,352.53	
Account Management	8,000.00	
Health & Safety Compliance	20,000.00	
TOTAL	\$578,362.54	2% increase

It was resolved by the body corporate by ordinary resolution that the budget be set at \$578,362.54 and that the levies be raised by utility interest in two instalments due for payment on the 31 July 2016 and the 20 December 2016. It was noted that the first instalment of the levy had been raised based on the previous budget for the year 2015/2016. An adjustment would be made to the second instalment of the levy to

take into account the difference between the levy raised in July 2016 and the levy to be raised based on the budget approved at this AGM.

S Dudding/M Webb

Carried

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 levies are due in two instalments:
 - The first instalment is due 31st July 2016 had already been raised and sent to owners.
 - The last instalment is due 20th December 2016
- c) 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.
- d) 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.
- e) 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 and s.124 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.
- f) 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.

14. RESOLUTION 10 – APPOINTMENT OF AGENT FOR TENANCY TRIBUNAL

It was resolved by the body corporate by ordinary resolution that an appropriate solicitor be appointed to represent the body corporate for the Tenancy Tribunal as and when required.

S Dudding/P McLuckie

Carried

Stephen Dudding confirmed that the committee was confident in using Clinton Baker from Price Baker Berridge because of his knowledge and experience in Unit Titles Act.

15. OTHER BUSINESS:

Air Conditioning Units/Heating Units on Roof

There was further discussion amongst those present about the air-conditioning/heating units and proposed replacement. The consensus was that the matter be investigated further to see if there was a viable option to that already offered by ACE Air-conditioning. Rank Group confirmed that they were very happy to work with the committee to find a suitable alternative and solution.

Fire Evacuation (H & S) Requirements & Security

It was explained to those present that the current arrangement for the stairwell doors was untenable because of the requirements for the Evacuation of the building. It was noted that the body corporate had until November to install an effective and safe system into place. Various alternatives had been sourced by the committee which ranged in cost from \$20,000 to \$60,000. At the lower cost end, security in the building may be compromised and the committee sought the view of those present as to how much value they placed on security.

The overwhelming view of those present was that there be no compromise with the security of the building and the residents and the committee was authorised to work towards finding the best solution without any reduction in the current level of security. It was acknowledged that Paul McLuckie was working with the committee on this issue and he would also assist in finding the most effective and cost effective solution.

It was resolved by the body corporate by ordinary resolution that the committee is authorised to approve expenditure up to \$60,000 from funds at hand in the operational account to find the most cost effective solution to implement the solution to the stairwell/evacuation issue.

M Webb/M Mummery

Carried

Thanks to the committee

Those present expressed their sincere thanks to the committee for the work that they have carried out and continue to carry out on behalf of the owners.

Refit of Groundfloor Shop – Unit A

There was a brief discussion about the current exterior appearance of Unit A and the refit which is taking place. The committee confirmed that a meeting has been scheduled with the owner's representative, the incoming tenant, the committee and legal representatives for Tuesday 4 October 2016. Work has stopped in the meantime and will not commence until the committee is satisfied that the obligations required under the body corporate operational rules have been met.

The owners indicated their full support to committee for overseeing this process until conclusion.

There being no further business the meeting closed at 8.05 p.m.