



**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 Monday 6 March 2017 commencing at 6.00 p.m.

PRESENT: As per Attendance List completed by owners:
K A Penny (Unit 8A), M & J Webb (Unit 14), S Dudding (Units 2G & 6D), D & A Margaritis (Unit 4F), Paul McLuckie & Linda Parkinson (Unit 4G), M & A Mummery (Unit 5A), P Chaplin & A Sains (Unit 3H), T Leggett (Unit 3B), D Mulligan (Unit 3K), D Brady (Unit 8C), A Sullivan (Unit 4F), T Morton (Unit 2C), S Bassett (Units 2B 2J & 8B)
Paula Beaton and Lyn Clapperton, representing Body Corporate Administration Ltd as Body Corporate Manager.
Also in Attendance: 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
W Liu Sing (Unit 10D) in favour of Torey Leggett
E & M Lou (Unit 11A) in favour of Torey Leggett
F Amaru, C Chene & H Lien (Unit 3K) in favour of Dean Mulligan
Nancy Su Fen Tsai (Units 5C & 5E) in favour of Torey Leggett
Peter Stratford (Units 7G & D) in favour of Paul McLuckie

Apologies as per proxies

A quorum was established.

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

S Dudding/A Margaritis Carried

2. RESOLUTION 1 – APPOINTMENT OF CHAIRPERSON:

It was resolved by the body corporate by ordinary resolution that Paul McLuckie be appointed Chairperson of the body corporate. It was agreed that Paula Beaton chair the meeting.

A Sains/A Mummery Carried

3. RESOLUTION 2 – DUTIES OF CHAIRPERSON:

It was resolved by ordinary resolution that the Chairperson carry out the following duties, being only a portion of those duties described at Regulation 11:

- (a) to chair each general meeting (unless it is agreed at the start of a general meeting that another person will chair the meeting);
- (b) That the remaining duties of the Chairperson set out in Regulation 11 be delegated to the body corporate committee.

T Morton/S Bassett

Carried

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 at the Mercure Hotel on Wednesday 28 September 2016, commencing at 6.00 p.m. be accepted and adopted as a correct record of that AGM.

T Leggett/P McLuckie

Carried

5. RESOLUTION 4– CONSTITUTION OF COMMITTEE:

It was noted that there were only three nominations for the role of committee for the year. With the current committee declining to accept nominations for the 2017/2018 year, this has left the new committee with minimal numbers. Paul McLuckie has arranged for Clinton Baker from Price Baker Berridge to attend at a venue for any owners who may be interested in joining the committee in the future. Clinton will provide guidance and advice on the role and the duties of the committee and all owners are invited to attend.

It was resolved by the Body Corporate, by ordinary resolution that up to three 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 two committee members.

P McLuckie/M Mummery

Carried

***Secretary's Note:** The presentation by Clinton Baker from Price Baker Berridge will take place on Wednesday 15 March 2017 at 6.00 p.m. in the offices of BCA Ltd, Level 3, 115 Queen Street, Auckland.*

6. RESOLUTION 5 – APPOINTMENT OF COMMITTEE MEMBERS:

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

Paul McLuckie (Unit 4G)

Silva Bassett (Units 2B, 2J & 8B)

Tom Morton (Unit 2C)

The contact email address for the committee is: committee@148quaystreet.email

T Leggett/M Mummery **Carried**

7. RESOLUTION 6 – 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.

P McLuckie/A Sains **Carried**

8. COMMITTEE REPORT FOR 2017 AGM:

The Committee's Report for the 2017 AGM had been circulated to owners with the callout for 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. The report was scheduled for review in 2018.

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 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.

It was also agreed that the loss of rents cover be extended to 24 months.

T Morton/S Bassett **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 2017 to 10 March 2018 at a total premium of \$64,862.30 inclusive of GST, on the instructions of the committee. The policy also includes Office Bearers Liability cover.

The policy is underwritten by CHUBB 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, \$2,000 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 8 – APPROVAL OF FINANCIAL STATEMENTS:

It was resolved by the Body Corporate by ordinary resolution that the financial statements for the financial year 1 February 2016 to 31 January 2017 be adopted and approved.

P McLuckie/J Webb **Carried**

12. RESOLUTION 9 – AUDIT OF FINANCIAL STATEMENTS:

Stephen Dudding explained to those present that the outgoing committee had completed a full review of the accounts during the past months when they were transitioned to the body corporate's own account with Westpac and when Annette Holzman, chartered accountant from Webb Group, began managing the finances.

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 2016 to 31 January 2017

S Dudding/M Mummery **Carried**

13. RESOLUTION 10 – 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 2017 / 2018 12 Months	Comments
	\$	
Administration Fees	17,000	
ACC Levies	500	
Titles / Legal / Consultancy	3,500.00	
Insurance – Group Liability & Business	50,000	
Valuation	0	
Building manager wages	67,000	
Cleaning & cleaning materials	2,500.00	
Window cleaning	10,000	
Building wash	8,700.00	
Rubbish collection	10,500.00	
Pest Control	2,500.00	
Fire services / WOF	13,500.00	
Lift	33,000.00	
Repairs, Maintenance	50,000.00	
Common Power	25,000.00	
Gas		0 All on charged to owners

Telephone & internet	4,000.00	
Water	40,000.00	
Alarm / Security	12,000.00	
Long Term Maintenance Fund	145,000.00	
TOTAL	\$494,700	Exclusive of GST

The Budget is GST exclusive

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 2017/2018 budget.

T Leggett/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 2017
 - The last instalment is due 20th December 2017
- 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 11 – APPOINTMENT OF AGENT FOR TENANCY TRIBUNAL

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

P McLuckie/S Dudding **Carried**

15. OTHER BUSINESS:

RESOLUTION 12 – LETTERBOX SECURITY

It was resolved by the Body Corporate by ordinary resolution that the committee is authorized to approve expenditure up to \$10,000 for the redesign and installation of mail boxes to ensure the security of mail.

D Margaritis/P McLuckie **Carried**

RESOLUTION 13 – BUILDING MANAGER

There was a brief discussion about the notice given by the current building manager Russell McKinnon, of his intention to leave his management role to move to Australia. A motion had been proposed by Paul McLuckie authorizing the committee to investigate the option of a live in manager with a provision of up to \$20,000 for on site accommodation which would be in addition to the salary provision already approved in the budget.

Following rigorous discussion the proposed motion was put to the meeting:

It is proposed that the Body Corporate resolve, by ordinary resolution, that the committee investigate a live in manager and if a suitable live-in manager can be secured whereby the total cost including rental of a suitable apartment is no more than \$20,000 p.a. more than we are currently paying then the Committee is empowered by this meeting to employ such person and lease a suitable apartment without having to refer back to another general meeting.

Moved, Paul McLuckie/ motion failed for want of a seconder

It was agreed that the committee proceed with advertising for a replacement for the current building manager and consider all options and if there was to be a significant increased cost for any reason to report back to the body corporate with the recommendations and proposals at a later date otherwise to employ a replacement manager on the same or similar terms to the present

It was also agreed by those present that the committee consider the options available to upgrade the on site facilities available for the building manager, including office space, equipment, internet and computer equipment.

Thanks to the committee

Those present expressed their sincere thanks to the outgoing committee for the contribution they have made to the body corporate over the past years on behalf of the owners.

UPGRADE OF SECURITY

Torey Leggett, as the onsite Evacuation representative raised his concerns about the delay in the contract with BDR Systems for the installation of readers on the stairwell doors. Following discussion it was agreed that a contract had been let with the company by the outgoing committee and had been approved by the body corporate at the previous general meeting. The contract having been let to BDR now has to be completed. Mick Webb agreed to contact BDR Systems to confirm the completion of the contract as soon as possible.

There being no further business the meeting closed at 7.50 p.m.