

**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 Thursday 17 May 2018 commencing at 6.00 p.m.

PRESENT: As per Attendance List completed by owners:
K A Penny (Unit 8A), M Webb (Unit 14), S Dudding (Units 2G & 6D), Paul McLuckie & Linda Parkinson (Unit 4G), G Fraser (Unit 3I) S & J Thompson (Unit 5B), N Jeffries (Unit 10E), P Stratford (Unit 7G),
T Morton & M Smith (Unit 2E), K A Penny (Unit 8E), D Brady (Unit 8C),
D Robertson (Unit 10F) F Ramsay (Units QF1, QF2)
P Chaplin & A Sains (Unit 3H), T Leggett (Unit 3B), Dimitri Margaritis & A Sullivan (Unit 4F), T Morton (Unit 2C), S Bassett (Units 2B 2J & 8B)
Glenn Kwok and Lyn Clapperton, representing Body Corporate Administration Ltd as Body Corporate Manager.
Also in Attendance: Dean Mulligan, Building Manager

1. CONFIRMATION OF QUORUM:

Proxies Received:

Unit 4D	Wai Ching Chang	in favour of Paul McLuckie
Units 5A & 3G	A & M Mummery	in favour of Peter Stratford
Unit 8D	J Fleming	in favour of Peter Stratford
Units 8B, 2J & 2B	Silva Basset	in favour of Stephen Dudding
Unit 11A	Ernest Lou	in favour of Torey Leggett
Unit 10D	L S M Wiwine	in favour of Torey Leggett
Unit 11D	J Mainguet	in favour of Torey Leggett
Unit 5E & 5D	Nancy Tsai	in favour of Torey Leggett

Postal Votes Received:

Unit BA16	Suk Ching Liauw & Harry Roy Law
Unit 4E	Ullrich Hoppenjans
Unit 10F	Don & Maureen Robertson (present at the meeting)
Unit 12A	Rosheen & Ross Boswell
Unit 4C	Vanessa Jeandin
Unit 2i	Guangjuan Yuan

Apologies:

Unit 6A Ngairi Roebuck
Apologies as per proxies
A quorum was established.

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 Glenn Kwok chair the meeting.

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.
- (i) To sign documents on behalf of the body corporate

P McLuckie/J Thompson

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 6 March 2017 be accepted and adopted as a correct record of that AGM.

S Dudding/P McLuckie

Carried

5. RESOLUTION 4 – MINUTES OF PREVIOUS AGM:

It was resolved by the Body Corporate by ordinary resolution that the Minutes of the Extraordinary General Meeting of this body corporate held 11 May 2017 be accepted and adopted as a correct record of that AGM.

P McLuckie/T Morton

Carried

6. RESOLUTION 5– CONSTITUTION OF COMMITTEE:

It was resolved by the Body Corporate, by ordinary resolution that up to 6 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 3 committee members.

A Sullivan/J Thompson

Carried

7. RESOLUTION 6 – APPOINTMENT OF COMMITTEE MEMBERS:

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

Paul McLuckie (Unit 4G)

Tom Morton (Unit 2C)

Alan Penny (Unit 8E)

Andrew Sains (Unit 3H)

Dave Brady (Unit 8C)
Stephen Dudding (Unit 2G)
P McLuckie/T Leggett

Carried

8. RESOLUTION 7 – 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.

J Thompson/P McLuckie

Carried

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. Paul McLuckie has been working with Opus to update and review the LTMP and the site will be inspected by Opus to complete the update. The updated plan will be reviewed by the committee and circulated to owners on completion.

10. RESOLUTION 8 – 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.

D Brady/T Morton

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 2018 to 10 March 2019 at a total premium of \$68,066.00 exclusive of GST, on the instructions of the committee. The policy also includes Office Bearers Liability cover.

BCA is to clarify the status of coverage for trustees who are resident in units with Gregan & Co.

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 9 – OPERATION OF BANK ACCOUNT

It is resolved by the body corporate by special resolution pursuant to Section 115(3) of the Unit Titles Act 2010 that the bank account is operated in the following manner:

Body Corporate Administration have access to the account to view and run reports so as to be able to do the accounts and also have access to set up payments that have been approved by The Committee.

Any payments that have been set up by Body Corporate Administration as above must be approved for payment by any two members of the committee or in the case of an emergency if it is not possible to get authorisation from 2 committee members then emergency payments can be authorised by one committee member and either Glen Kwok or Paula Beaton of Body Corporate Administration Ltd

P McLuckie/D Brady **Carried**

12. RESOLUTION 10 – APPROVAL OF FINANCIAL STATEMENTS:

It was resolved by the Body Corporate by ordinary resolution that the financial statements for the financial year 1 February 2017 to 31 January 2018 be adopted and approved.

T Morton/A Sains **Carried**

13. RESOLUTION 11 – AUDIT OF FINANCIAL STATEMENTS:

It was resolved by the body corporate by special resolutions that as all payments must first be approved by the committee and payments can only be authorised at the bank by two members of the committee then 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 2017 to 31 January 2018.

S Dudding/D Margaritis **Carried**

14. RESOLUTION 12 – 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 costs budget for the 2018/2019 year as presented to the meeting for the current account, together with an additional 11.11% of this amount for the contingency fund.

- 15.** The levies shall be payable in equal instalments on the 15th day of July 2018, November 2018 and March 2019 and any owner who pays their levies on or before the due date shall be entitled to a 10% on-time discount

P McLuckie/D Brady **Carried**
(one vote by S Thompson, unit 5B recorded against)

16. RESOLUTION 13 - NONPAYMENT OF LEVIES

It was resolved by the Body Corporate resolve, by ordinary resolution, that if any levies authorised by this or any other general meeting of the Body Corporate are not paid by a proprietor on the due date, the Body Corporate Manager is authorised and instructed

on behalf of the Body Corporate to exercise those powers conferred on the Body Corporate by Sections 121 and 124 of the Act including the recovery of any costs expended as a result of that proprietor's default pursuant to Section 127 of the Act.

P McLuckie/S Dudding **Carried**

17. RESOLUTION 14 - 10% INTEREST

It was resolved by the Body Corporate by ordinary resolution, that the interest recoverable pursuant to Section 128 of the Act on such unpaid levies be resolved at 10% per annum.

P McLuckie/S Dudding **Carried**

18. RESOLUTION 15 – SECTION 126 ONCHARGES

It was resolved by the Body Corporate by ordinary resolution, that the Body Corporate Manager be authorised to recover debts from expenditure for the benefit of a unit or units in accordance with Section 126 of the Act where it determines on behalf of the Body Corporate that one or more of the units has benefited from such expenditure substantially more than other units.

P McLuckie/S Dudding **Carried**

19. RESOLUTION 16 – 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**

20. HEALTH & SAFETY – ASBESTOS

From 4 April 2018 under the new Health and Safety at Work (Asbestos) Regulations 2018, any owner or occupier of a building that contains asbestos, must have an Asbestos Management Plan. This is a significant change that impacts on all building managers and owners. Ignorance regarding asbestos can no longer be used as an excuse. The court of law will expect that an owner of a building will have done, or made all best efforts, to identify if there is any asbestos present. The body corporate engaged Solutions in Engineering to complete an Asbestos Survey for the body corporate which found no asbestos or asbestos containing products in the building.

21. RESOLUTION 17A & 17B – LETTERBOXES

It was resolved by the Body Corporate, by ordinary resolution that the committee proceed to install the new letter boxes approved at the AGM in 2017 in the foyer as soon as practically possible, up to a total cost of \$12,500 including installation.

P McLuckie/A Sullivan **Carried**

22 DRUG DOG PATROLS

With the increasing trend of manufactures of illicit drugs to rent apartments for a short time to create a meth lab and the devastating effect it has on apartment owners and

surrounding apartments then the Body Corporate agreed to institute regular unannounced sweeps of the building by a drug dog for the detection of methamphetamine with any positive indications to be reported to the committee and the owners advised of the outcome of the sweeps.

22. **RESOLUTION 18 – REQUEST FOR A PET**

Following prolonged discussion the motion was withdrawn by Stephen Dudding.

23. **RESOLUTION 19 – PROPOSED RULE CHANGE – ONLINE SHORT TERM RESIDENTIAL ACCOMMODATION PROVIDERS**

Following full discussion those present agreed that there was a need to protect owners against risk and further investigation was required to determine the liability of owners for additional costs for such things as the Fire Service, additional body corporate insurance and public liability from owners of units running a commercial short term residential operation on site.

It was resolved by the Body Corporate by ordinary resolution that the committee investigate and determine the liability and facts surrounding short term accommodation with urgency, and following the appropriate legal advice and if appropriate come back to a general meeting with the recommended wording for a rule change to cover online short term residential accommodation at 148 Quay Street.

T Morton/P McLuckie

Carried

24. **RESOLUTION 20 – CARPARKS**

There was some confusion re the authority and jurisdiction over the carpark. Following discussion it was pointed out that the body corporate has no authority or jurisdiction over the car parks as these are private property. This is correct as far as it goes, the Body Corporate has no such jurisdiction over the internal workings of the carpark. However it certainly has jurisdiction over the building security and who we allow to enter various parts of the building, but in the meantime as a result of the confusion and because it was getting very late the resolution was withdrawn.

25. **SECURITY PATROLS**

Following discussion, it was agreed that the three security patrols per night continue as a deterrent to ensure ongoing security at the entranceways and rear of the complex. The Building Manager confirmed that the company were on notice to improve their service and vigilance.

26. **BUILDING AND WINDOW WASHING**

A contractor has been engaged and will be washing the building and the windows in the next few weeks.

27. **UPDATE ON PAINTING AND BALCONY**

The chair confirmed that the painting will be completed sometime in the near future when appropriate and needed.

28. **UPDATE ON LIFTS**

Kone have confirmed that the lifts are safe and that more emphasis needs to be placed on regular maintenance rather than reactive repairs to faults. The Building Manager is working with Kone to improve the service to the body corporate.

29. **RESOLUTION 20 – THANKS TO BUILDING MANAGER**

The owners express their very warm appreciation for all the work that Dean as our new Building manager has put in; and that his professionalism and personal warmth, his going always the extra mile for everyone, and to record that his appointment has been such a positive benefit to our building and our building community.

The Owners would also like to express their deep appreciation for the work that the Chair and committee have put in over the last 12 months, and the very efficient work they have done. We are all acutely aware for the work required and they have done this with not just efficiency but cheerfulness.

S Dudding/P McLuckie

Carried

30. **ROOF REPLACEMENT**

Torrey Leggett representing two owners of the 11th floor by proxy requested that an agenda item proposing the replacement of the roof be included in the agenda for the next general meeting.

There being no further business the meeting closed at 8.45 p.m.