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MINUTES OF COMMITTEE MEETING
Body Corporate No 184031

Property at 373 Khyber Pass Road, Epsom, Auckland 1023

THE COMMITTEE MEETING of this Body Corporate was held at Strata Title Administration Ltd, Level 1, Dilworth Building, cnr Queen Street and Customs Street East, Auckland and via MS Teams video conference facility, on Friday, 1 November 2024, commencing at 6:00pm.

PRESENT:

Lot #	Unit #	Attendance	Owner's Legal Name Representative at the Committee Meeting
15	O	Yes	Dan Zhu Mr Dan Zhu
17	Q	Yes	Rebecca Brandon Mrs Rebecca Brandon
4	D	Yes	Joan Linn Mrs Joan Linn
19	S	Yes	Victoria Smith Ms Victoria Smith

OTHERS PRESENT: Mr Brandon Zaragoza and Mr Kyle O'Reilly representing Strata as the Body Corporate Manager.

MINUTES OF THE MEETING:

1 WELCOME & AGENDA

Mr Kyle O'Reilly introduced Mr Brandon Zaragoza as the new Body Corporate Manager for Body Corporate 184031.

Resolved: That Mr O'Reilly, representing Strata as body corporate manager, is elected to chair the meeting.

2 APOLOGIES

No apologies were received. It was noted that Ms Dianne Denman resigned from being a member of the Committee earlier in the year.

Resolved: That the meeting is declared quorate.

3 CONFLICTS OF INTEREST REGISTER

No declarations of conflict of interest was received from Committee members in relation to:
• any matters being voted on at today's meeting; or
• to be noted as an enduring conflict of interest in nature to the work of the Committee.

Mrs Joan Linn noted that Roger Carter of Unit 4, husband of Joan Linn does the gardening for the property.

Note to all Owners - Although Roger has been our gardener for the last several years, it is now a requirement under the Unit Titles Act Regulations, 2024, that Roger be listed as a potential conflict of interest in the agenda and minutes of all formal meetings in future. As Roger is both an owner and, paid by the body corporate for the gardening work he does, this must be declared that all owners are aware of this.

4 INTERIM FINANCIAL REPORT

Mr Zaragoza provided a detailed overview of the interim financial reports for the period to 31 October 2024.

Resolved: That the interim financial report for the period to **31 October 2024** be approved.

5 ASBESTOS REPORT

Mr O'Reilly informed the Committee of a recent update from WorkSafe New Zealand regarding the management of asbestos in buildings. The new guidelines specifically apply to buildings constructed before 2000, which are considered likely to contain asbestos-containing materials. As a result, it is mandatory to conduct an asbestos assessment for these properties.

Strata has received a quote from Solutions in Engineering, which was circulated to the Committee for review. After a brief discussion, the Committee decided to proceed with Solutions in Engineering without seeking additional quotes, given their familiarity with the building. Solutions in Engineering has previously provided the Body Corporate with both the Long Term Maintenance Plan and the Health and Safety Report, making them well-positioned to conduct the assessment.

Although there was some initial consideration to delay the survey until after the New Year, the Committee agreed that it should be undertaken promptly.

The Committee has provisionally accepted the quote from Solutions in Engineering, subject to final approval via email review.

6 FUTURE MAINTENANCE PROJECTS

(i) To review and discuss the proposed scope of work and budget for the replacement or redecoration of the pergolas.

Mr Zaragoza advised that one quote has been obtained from Access and that another quote is expected to be obtained soon from Complete Property Services for the replacement of the pergolas. Ms Linn noted that the quote obtained from Access also includes the replacement of the inter-unit fences. Mr Zaragoza was instructed to contact Access and to obtain an updated quote which clearly separates the costs for the pergola replacement and the inter-unit fence replacement.

Ms Smith highlighted that the Body Corporate has already spent $29,000 on building-related expenses this year, with additional expenditure for the letterboxes. Given this, she emphasized that further expenditure should be avoided unless absolutely necessary for the property's upkeep. Mrs Linn did not agree that further maintenance should be avoided now, i.e. in 2025. Mrs Linn expressed that the new building work carried out in 2024 (handrails, stairs, rear deck on the rear building) should be painted during the summer of 2025. Mrs Linn also stated that the pergolas are beyond a state of repair and should also be replaced as one uniform job collectively for a neat and tidy, uniform outcome and, as Body Corporate expense, not a burden to just the downstairs unit owners. It was also discussed that, as the pergolas are attached to sections of interunit fences (all renewed in 2021 in the front building downstairs flats in 2021 at those owners shared expense), these fences if rotten at the downstairs rear building would also need to be replaced. Mrs Linn expressed that over the last 4 years, she believed that the Body Corporate had simply been playing catch up on an overdue roof replacement, exterior painting and boundary fencing and this year the letterboxes, as a result of and, there was no record to show otherwise, no significant maintenance having been carried out for at least the 10 years prior. It was noted that things were costing much more now than if a single job might have been carried out every 2 to 3 years. Mrs Linn expressed that to tidy the property up with the replacement of the pergolas the body corporate should then be close to caught up. All those in attendance were in agreeance to Solutions in Engineering having a look at the condition of the pergolas and reporting on this to the committee, whilst onsite to do their inspection for the Asbestos Report. Ms Linn stated that yes, $29,000 was spent on building maintenance this year and, apart from 2 hand rails, this sum of money was all spent on maintenance at the rear building (two sets of stairs had been repaired several times in the last 3 years and, the rear deck questioned for its soundness at least as early as 2019) and each job with quotes obtained prior and committee approval in each case.

Following a brief discussion, the committee discussed that the Body Corporate has, possibly 3 options:

1. Removal and replacement of all pergolas.

2. Removal and replacement of only those pergolas with identified structural issues.

3. Removal of all pergolas, without replacement.

It was agreed that quotes for all 3 options would be obtained and then presented for discussion at the coming AGM. Mrs Linn suggested that as there was plenty of time before the next Committee meeting on 3rd February, 2025, to obtain quotes and, that as the job would be an expensive one, 5 quotes be obtained for each option.

(ii) To receive confirmation from Strata regarding the ownership and responsibility of the pergolas.

Mr O'Reilly raised the issue of determining the legal ownership of the pergolas, i.e. that although it is the Body Corporate's responsibility to maintain the property and its buildings and fixtures to a reasonable level of soundness and presentation, who would ultimately be responsible to meet the cost of any work regarding the pergolas, individual owners with pergolas within the air space above their exclusively owned outside areas or, the Body Corporate itself as a common property building expense to be paid for from funds set aside in the Body Corporate bank account for Long Term Maintenance issues?

Mr O'Reilly considered that as the pergolas don't show on the Unit Plan of the property, he thought it likely that the pergolas were constructed later than the buildings themselves and, if this was the case, likely not legally part of the buildings and an expense that would be the responsibility of the Body Corporate, but the 12 downstairs unit owners to share the cost on a pro rata basis.

Mrs Linn put forward a contrary argument that, as none of the 12 downstairs units enjoy any exclusive use of the pergolas, but the pergolas instead actually all being used as common property to fasten a combination of different types of wiring, cabling and aerials to them relating to both the upstairs and downstairs units, e.g. television; air conditioning; earth wires (all items not permitted to be fastened to the building or the roofs), it would be reasonable then, that the cost of any work be met by the Body Corporate.

Mr O'Reilly is to going to seek to gain clarification of the situation before the next Committee meeting.

(iii) Subject to item (ii) to discuss the funding options of the proposed project.

As discussed in item (ii) quotes will be obtained by Strata and presented at the next Committee meeting scheduled for 3rd February, 2025 at 6.00pm.

7 COMMITTEE PROTOCOLS

To discuss and agree the protocols, processes and procedures for the following committee matters:

(i) Inter-member e-mail correspondence.

A discussion was led by Strata about committee emails. Mrs Linn expressed the viewpoint that she felt a responsibility to report on events at the property to the committee as they occurred but did not necessarily expect a reply, it was more just a case of informing the committee. Mrs Linn suggested that Committee members might find it easier, as she did herself, to create a separate email account for body corporate matters, to keep Committee business separate from personal email accounts. Mrs Linn also reiterated that she has no power to make decisions on her own, no matter how small and felt it helpful to her also to share all goings on.

Ms Smith expressed a contrary viewpoint that she found the number of emails an issue and that when she received an email she then automatically felt she needed to respond even when not asked for.

Neither of the other two committee members entered into the conversation. Strata suggested that Mrs Linn only report weekly and Mrs Linn considered this contrary to her responsibility but suggested that instead of being an apparent burden, she not continue to report at all and instead, the committee just ask her for updates as they would like them. Any matters requiring a vote by the committee it was agreed could be emailed to Strata by any party and Strata then put that email to the committee as a whole, to consider.

(ii) Committee discussion management.

If an issue arises that requires action, it will be directed to Strata, who will then present it to the Committee for discussion. Following this, a quote can be obtained.

(iii) Quote review and approval.

Ms Smith noted that she is in agreement with how Strata suggests that quotes be managed i.e. that they are arranged by Strata and that this is how it is done both elsewhere, and previously.

In the past when Mrs Linn had been chair and with 2024 being the same, Mrs Linn had managed the quotes and preferred to do so. Mrs Linn had expressed prior to the meeting, that she felt that her hands on management enabled her to vet the contractors better as they came to assess the job and, explain any divisions required in quotes as to owner or body corporate financial responsibility and, during the course of 2024, without exception, good rapport was attained with contractors and in each and every case, work carried out beyond the price quoted for the work. There was no discussion at the committee meeting other than that Strata would obtain the quotes now rather than Mrs Linn at Ms Smith's request and, review these and, forward to the committee for approval. The background detail has been supplied for owners.

The other two committee members did not give their points of view.

8 **GENERAL BUSINESS**

(i) **Double Glazing Installation:** All owners considering the installation of double glazing are legally required, **prior to any work proceeding**, to provide Strata with a detailed written copy of a certified installer's proposal, this to also include the weight and colour of the new fixtures, that such a proposal then be submitted to the committee to consider and respond to. The Body Corporate holds a Uniform Plan on file relating to the permitted design for each window, fastenings and the colour as was passed by formal resolution at an EGM in mid-2021.

(ii) **Fencing:** Ms Linn advised that two of the owners of downstairs flats in the rear building (one recently and the other within the last 3 years) had approached this topic to ask if a fence could be installed on the boundary of their outdoor exclusive use area. i.e. separating their exclusive use area from the body corporate common property areas.

It was discussed that, as a general rule tenants had not shown reasonable maintenance of exclusive use areas behind fencing with the downstairs units in the front building and which the balconies of the upstairs units then also overlooked that untidiness. A question was raised as to whether or not it was a good idea to consider any uniform plan, for fencing to be constructed in front of the downstairs flats in the rear building.

Any such idea would also be required to be submitted as a proposal for discussion at an AGM or EGM first, for all owners to be able to vote on.

The most recent suggestion of a style of fencing for a downstairs rear unit had been glass, to keep a pet confined, if ownership of the suggested pet might be permitted.

It was agreed that further discussion on this matter would take place offline dependent on there being any further interest.

(iii) **Roof Design:** The gutter wash company highlighted that there may be a fault with the roof design on the property as there is no guttering on the southern side of the building.

(iv) **Legal Matters:** Mr O'Reilly noted that PBB confirmed that they were in the process of filing the application, this was confirmed in an email by May Naidoo on Thursday.

(v) No further items of general business were brought forward for discussion.

9 **HEALTH & SAFETY UPDATE**

Ms Linn provided an updated on site hazards that have been observed since the last meeting which are:

(i) Lot 5 falling tree: The tree outside lot 5 has been observed to be at risk of falling, posing a potential health and safety hazard. It was proposed that the Committee instruct Strata to arrange for the tree to be removed, with the cost to be on-charged to the owner.

(ii) Concern was expressed in regard to a resident with poor health.

(iii) Lot 1 bird feeding: The owner and resident of Lot 1 has been consistently feeding the birds on or in close proximity to the Body Corporate property for more than 2 years now, causing fouling to the property and upset to other owners and, financial rental impairment in at least one case to another unit owner. Strata provided an update to committee on the legal situation in item 8(iv).

10 **NEXT COMMITTEE MEETING & AGM**

The next Committee Meeting and AGM Dates and times were agreed upon as the Monday, 3rd of February, 2025 at 6.00pm and Tuesday, 26th February, 2025 at 6.00pm respectively.

11 **MINUTES TO BE A RECORD OF THE BUSINESS OF THE COMMITTEE MEETING**

Resolving: That if within ten days of distribution of the minutes Strata does not receive any written request from a Committee member who attended the meeting to amend any part of the minutes, that the minutes are adopted as a true and accurate record of the committee meeting; and that if a request to amend the minutes is received it will be referred to the Committee Chairperson to instruct if the amendment is to be made and the minutes reissued accordingly.

12 **MEETING CLOSURE**

There being no further business, Ms Linn and Mr O'Reilly thanked all attendees for their participation and closed the meeting at 7.35pm.