Spartik House, Level 2,
6-8 Edward Wayte Place, Grafton, 1023,
Auckland, New Zealand
PH: +64-9-638-2500
E: reception@apm.kiwi
www.apm.kiwi

NOTICE OF AN ANNUAL GENERAL MEETING

BODY CORPORATE 468788
1-87 Chiefs Court, Hamilton East Hamilton 3216

In accordance with Regulation 6 of the Unit Titles Regulations 2011, we hereby give notice that the Annual General Meeting for your Body Corporate will be held as detailed below:

Venue: Zoom
Date: Wednesday, 22 November 2023
Time: 05:00 PM

Zoom Registration link:
https://aucklandproperty.zoom.us/meeting/register/tZEvf-Gtrz4rHNVRguYmF4iHcOaz8d3VESrQ

Agenda:

1 **Appointment of Chairperson for Meeting**
To consider the motion (by ordinary resolution): That Rean Khoo be elected Chairperson of the meeting.

2 **Proxies and Voting Papers**
To consider the motion (by ordinary resolution): That the proxies and voting forms be received.

3 **Conflicts Register**
(Attached) - No motion.

4 **Confirm Minutes of Previous Annual General Meeting**
To consider the motion (by ordinary resolution): That the minutes of the last meeting, held 07/12/2022, be confirmed as a true and accurate record of that meeting.

5 **Committee Annual Report**
In accordance with the Unit Titles Regulations 2011, Regulations 28(1) and 28(3), a verbal annual Committee Report will be made at the meeting.

To consider the motion (by ordinary resolution): That the verbal annual Committee Report is approved.

6 **Election of Chairperson of Body Corporate**
To consider the motion (by ordinary resolution): That one of the following nominees be elected as Chairperson of the Body Corporate in accordance with Regulation (10)1 of the Unit Titles Regulations 2011.

Manager's Note:
No nominations have been received, nominations will be taken from the floor during the meeting.

Under section 112A(1) UTA, the appointed Chairperson of the Body Corporate will automatically be given a position on the Committee. In addition, they will automatically be the Committee Chair, unless the Body Corporate resolves by ordinary resolution under section 112A(2) UTA not to take that approach.

7 **Committee Number & Quorum**
To consider the motion (by ordinary resolution): That until otherwise resolved by the Body Corporate in terms of the Unit Titles Act 2010, the Committee shall comprise of up to 59 members. The Committee shall meet and conduct business in accordance with the requirements of the Unit Titles Act 2010 and the Unit Titles Regulations 2011 not less than one time in each year. The quorum necessary for the transaction of the business of the Committee shall be majority.

8 Election of Committee

To consider the motion (by ordinary resolution): That an owner of each unit be elected to the Committee.

If a Body Corporate Chairperson has been successfully appointed under motion 5, they are automatically appointed as a member of the Committee.

As per UTA Section 114A, all Committee members must comply with the Committee Code of Conduct in Schedule 1A of the Unit Titles Regulations 2011. As per UTA Section 114C, a Committee member who has a financial interest in a matter, must also disclose details of the nature and extent of the interest to the Committee and this must be recorded in a register held by the Committee. (See Appendix A). What constitutes a "financial interest" that must be disclosed is set out in sections 114C to 114E of the UTA.

9 General Delegation of Powers and Duties

(a) To consider the motion (by ordinary resolution): That the Body Corporate shall indemnify the Committee and the Chairperson, for any liability incurred by either, in respect of any matter undertaken in good faith by them in exercise of their delegated powers for the Body Corporate, in terms of the Unit Titles Act 2010 ("the Act"). Without limitation to the above, the Body Corporate shall indemnify the Chairperson and/or the Committee for any liability incurred in respect of any certificate given in good faith under Section 147(3) (b) of the Unit Titles Act.

(b) To consider the motion (by special resolution): That the duties of the Body Corporate Chairperson as set out in Regulation (11)1, sub-paragraphs (a) to (m) inclusive of the Unit Titles Regulations 2011 be delegated to the Committee.

(c) To consider the motion (by special resolution): That, in accordance with the provisions of Section 108(1) of the Unit Titles Act 2010, all the powers and duties of the Body Corporate be delegated to the Body Corporate Committee, save those powers reserved to the Body Corporate by Section 108(2).

10 Re-Appointment of Body Corporate Manager

To consider the motion (by ordinary resolution): That the Body Corporate re-appoint Auckland Property Management Ltd as Manager for the following year to carry out the duties delegated to the Committee in terms of Section 108(2) of the Unit Titles Act 2010 and Regulation 11(1) of the Unit Titles Regulations 2011.

11 Insurance Discussion

(a) To consider the motion (by ordinary resolution): That the renewed insurance policies for the period 20/02/2023 to 20/02/2024 be confirmed.

(b) To consider the motion (by ordinary resolution): That the Body Corporate authorises the Committee (under its already delegated powers), or the Body Corporate Manager be authorised to obtain quotations and renew the insurance policies for the coming year. The Body Corporate shall consider the need for insurance cover for:

- (i) The building and other site improvements;
- (ii) Loss of rents; Alternative Accommodation
- (iii) General Liability;
- (iv) Statutory Liability; and
- (v) Association Liability/ Office Bearers' cover

Managers Note:

Owners are asked to ensure they are familiar with the cover in place and the terms of this cover. These details can be found on https://bodycorp.aucklandproperty.net/ under the insurance folder, including a claim form.

12 Change of End of Financial Year

To consider the motion (by ordinary resolution): That the Body Corporate approves the change of the end of financial year from 30 November to 31 October each year, commencing from this year 31/10/2023.

13 Approval of Financial Statements

To consider the motion (by ordinary resolution): That the Financial Statements prepared by the Body Corporate as a non-reporting entity, which include the Statements of Income and Expenditure and

Assets and Liabilities for the year ended 30/10/2023, be approved.

14 Appointment of Auditor - If Required

To consider the motion (by special resolution): That in accordance with Section 132(8) of the Unit Titles Act 2010, no audit, review or verification is required on the financial statements for the previous financial year.

Managers note:

If the above motion fails, then the Committee will arrange an audit of the financial statements for the previous financial year as per Section 132 of the Unit Titles Act and an agreed figure for the audit will be added to the Administrative Fund budget.

Auckland Property Management adopts the Best Practice model in relation to Financial Management:

i) Auckland Property Management Ltd advises that as part of our internal controls and procedures, all transactions are made through the Trust account of the Manager and are subject to a quarterly audit.

ii) Auckland Property Management Ltd is a strong advocate of Industry Best Practice and promotes good governance principles in relation to financial management and reporting.

15 Discussion of Long Term Maintenance Plan

To consider the motion (by ordinary resolution): That the Body Corporate agrees to arrange a formal review of the Long Term Maintenance Plan by a suitably qualified building professional in accordance with the requirements of Regulation 30 (2) of the Unit Titles Regulations 2011, which the Committee may arrange under its already delegated powers and report back to the Body Corporate to seek approval of any changes to the Plan as a result of the review.

16 Site Manager's Report

The site manager will give a verbal update at the meeting.

To consider the motion (by ordinary resolution): That the Site Manager's verbal Report is approved.

17 Health & Safety

To consider the motion (by ordinary resolution): That the Body Corporate monitors, reviews and updates the Hazard Register on file to ensure any hazards identified are removed or minimized and that any new hazards that may have occurred during the year are noted and attended to.

Managers Note:

All owners are required under the Act to ensure they have read and understand the Health & Safety report and have supplied a copy to any tenants, visitors or contractors to ensure they are aware of any hazards onsite.

18 Approval of Administration Fund Budget
(Proposed Budget Attached)

To consider the motion (by ordinary resolution): That the Administrative Fund budget be determined and approved and any levies raised are held in the Operating Fund.

19 Approval of Long Term Maintenance Fund Budget
(Proposed Budget Attached)

To consider the motion (by ordinary resolution): That the Long Term Maintenance Fund budget be determined and approved and any levies raised are held in the Long Term Maintenance Fund.

20 Striking of Levies and Number of Levy Instalments

To consider the motion (by ordinary resolution): That the operating budget (comprising the Administrative Fund budget and the Long Term Maintenance Fund budget) shall be raised according to utility and/or ownership interest in THREE (3) equal instalment/s due for payment on 15/12/2023, 01/02/2024 and 01/07/2024. The Body Corporate Manager shall issue invoices not less than 30 days prior to the due date for each instalment.

21 Recovery of Body Corporate Levies, Penalty Interest Rates & Debt Administration Fees

To consider the motion (by ordinary resolution): That Auckland Property Management Ltd be authorised to recover any unpaid levies or other outstanding expense items owed to the Body

Corporate, through the Tenancy Tribunal or otherwise, and to levy interest at the rate of 10% per annum as provided for in Section 128 of the Unit Titles Act 2010 on any monies outstanding. All costs, debt administration fees and expenses involved in the recovery shall be charged against the defaulting proprietor in full. A lawyer appointed by the Committee, shall act as duly appointed agents for the Body Corporate, where required, for debt collection.

Auckland Property Managements levy collection process is as follows:
Owners will be notified by email to the email address recorded with Auckland Property Management of all levies and/or charges due. The same email address will be used for all notifications regarding the collection of money owed to the Body Corporate unless a request is made otherwise. If an owner does not have an email address, all correspondence will be posted to the postal address recorded with APM. It is the responsibility of the owner to ensure that APM is notified of any change to either email or postal addresses.

Levies are typically raised within 14 days of the Annual General Meeting unless otherwise instructed by the Chairperson of the Body Corporate. Our standard collection process for unpaid levies is detailed below:

- *30 days prior to levies being due, a levy notice is sent to advise owners of the levy instalment due. The due date for the first instalment can be sooner by resolution at the AGM.*
- ***Stage 1 debt recovery.** 10 days after the due date of the levy instalment, a reminder is sent that the levy instalment is past due. Interest at the rate of 10% per annum accrues from the due date.*
- ***Stage 2 debt recovery.** 40 days after the due date of the levy instalment, if payment is still outstanding, a final notice is sent to the registered owner. A debt administration fee of $110.00 + GST is charged to the unit.*
- ***Stage 3 debt recovery.** 70 days after the due date of the levy instalment, APM will attempt to contact the owner by an alternative contact method. If contacting the owner is unsuccessful and/or payment is not forthcoming, a notice to commence legal action is served, notifying the owner that their file will be referred to our legal department for further action should payment not be received within seven days. A debt administration fee of $220.00 + GST will be charged to the unit. Any legal costs incurred are payable by the registered owner.*

The above process is to be used as a guide only and is subject to change depending upon individual requirements of the Body Corporate.

Subject to acceptance by the Body Corporate committee, the owner may request to pay the levy by instalments at an agreed payment plan. This will include interest at the rate of 10% per annum for any period where there are monies outstanding. Failure to meet obligations to the agreed payment plan will result in the debt recovery process commencing.

22 General Business

Owners may wish to discuss items of a general nature.

<u>*Body Corporate Website:*</u>
At Auckland Property Management we try and be environmentally friendly so have put all your important documents relating to your body corporate online please visit https://bodycorp.aucklandproperty.net/ to view these at any time. If you have forgotten your login details please contact your manager Rean Khoo directly on the following email Rean@apm.kiwi and they will assist.

Rean Khoo
Body Corporate Manager

IMPORTANT NOTICE

If you are unable to attend the meeting, it is important that you complete either the proxy form or the postal voting form.

A proxy must be a named person who will attend the meeting on your behalf. If you cannot attend the meeting it is important that you appoint someone to act as your proxy in order to achieve the required quorum of owners entitled to exercise the voting power, which is not less than 25% of the units. If quorum is not reached, the meeting shall be adjourned and a reconvened AGM held seven days later.

You have several options for a proxy:
1. The Chairperson of the Body Corporate
2. One of the Committee Members
3. Your Body Corporate Manager
4. The meeting Chairperson
4. An independent person to represent you at the meeting.

Form 11
Proxy Appointment Form
Section 102(3), Unit Titles Act 2010

To the Owner
Unit Plan: 468788
Body Corporate Number: 468788

Proxy appointment

Owner Name:______________________________________

Address:____

Principal Unit:______________________________________

As an eligible voter within the meaning of Section 96(1) of the Unit Titles Act 2010, I/we appoint:

Full name:____
as my/our proxy for the purposes of the general meeting of the Body Corporate to be held on Wednesday, 22 November 2023.

** Please note that the unit owner can complete the table below for their proxy to vote accordingly or it can be left blank for the proxy to vote autonomously.

Motion #	**Motion Description**	**Resolution Type** (Ordinary; Special; Designated)	**Voting** (Tick one only)					
1	Appointment of Chairperson for Meeting	Ordinary	Yes		No		Abstain	
2	Proxies and Voting Papers	Ordinary	Yes		No		Abstain	
3	Conflicts Register	No Motion	Yes	XX	No	XX	Abstain	XX
4	Confirm Minutes of Previous AGM	Ordinary	Yes		No		Abstain	
5	Committee Annual Report	Ordinary	Yes		No		Abstain	
6	Election of Chairperson of BC	Ordinary	Yes		No		Abstain	
6 (a)	Appointment of Committee Chairperson	Ordinary	Yes		No		Abstain	
7	Committee Number and Quorum	Ordinary	Yes		No		Abstain	
8	Election of Committee	Ordinary	Yes		No		Abstain	
9 (a)	General Delegation of Powers	Ordinary	Yes		No		Abstain	
9 (b)	General Delegation of Powers	Special	Yes		No		Abstain	
9 (c)	General Delegation of Powers	Special	Yes		No		Abstain	
10	Re-appointment of BC Manager	Ordinary	Yes		No		Abstain	
11 (a)	Insurance Discussion	Ordinary	Yes		No		Abstain	
11 (b)	Insurance Discussion	Ordinary	Yes		No		Abstain	
12	Change of End of Financial Year	Ordinary	Yes		No		Abstain	
13	Approval of Financial Statements	Ordinary	Yes		No		Abstain	
14	Appointment of Auditor	Special	Yes		No		Abstain	
15	Discussion of Long Term Maintenance Plan	Ordinary	Yes		No		Abstain	
16	Site Manager's Report	Ordinary	Yes		No		Abstain	
17	Health & Safety Report	Ordinary	Yes		No		Abstain	
18	Approval of Administration Fund Budget	Ordinary	Yes		No		Abstain	
19	Approval of Long Term Maintenance	Ordinary	Yes		No		Abstain	

	Fund Budget							
20	Striking of Levies and Number of Levy Instalments	Ordinary	Yes		No		Abstain	
21	Recovery of BC Levies	Ordinary	Yes		No		Abstain	
22	General Business	No Motion	Yes	XX	No	XX	Abstain	XX

If the general meeting is adjourned and reconvened, this proxy appointment is valid for the purposes of the reconvened meeting.

Date: ___________________________

Signature of eligible voter:________________________________

Signature of eligible voter:________________________________

Notes

1 This proxy appointment expires at the end of the general meeting referred to in the form or, if that meeting is adjourned, the end of the reconvened meeting.

2 The full text of motions is contained in the notice of general meeting, a copy of which should be provided to the proxy.

3 Your proxy may not vote unless all Body Corporate levies, and other amounts that are owing in respect of your unit, have been paid.

4 If the unit is owned by a Company or a Trust, all Directors (or the nominated Representative) and Trustees must sign the form.

5 If the unit is owned by more than 1 person and only one owner is attending the meeting, the owner attending the meeting needs to be appointed as proxy by all other owners of that unit.

Proxy Appointment Form to be received by commencement of meeting.

Email to: Rean@apm.kiwi

Post to: Auckland Property Management Ltd, Spartik House, Level 2, 6-8 Edward Wayte Place, Grafton, Auckland 1023

Form 12
Postal Voting Form
Section 103, Unit Titles Act 2010

To the Owner
Unit Plan: 468788
Body Corporate Number: 468788

Instructions
You are entitled to vote for the Body Corporate meeting to be held on Wednesday, 22 November 2023 at Zoom by casting a postal vote. The motions to be decided at the meeting are summarised below and more particularly set out in the notice of the meeting.

If you intend to cast a postal vote, you must indicate your vote below and return the form by post to: Auckland Property Management Ltd, Spartik House, Level 2, 6-8 Edward Wayte Place, Grafton, Auckland 1023 or scan and email to Rean@apm.kiwi so that it is received prior to the commencement of the meeting.

Postal Vote
Owner Name:____

Principal Unit:____

As an eligible voter within the meaning of Section 96(1) of the Unit Titles Act 2010, intend to cast the following postal vote(s) at meeting of the Body Corporate to be held on the Wednesday, 22 November 2023 at Zoom.

Motions- as listed in the Agenda

Motion #	**Motion Description**	**Resolution Type** (Ordinary; Special; Designated)	**Voting** (Tick one only)					
1	Appointment of Chairperson for Meeting	Ordinary	Yes		No		Abstain	
2	Proxies and Voting Papers	Ordinary	Yes		No		Abstain	
3	Conflicts Register	No Motion	Yes	XX	No	XX	Abstain	XX
4	Confirm Minutes of Previous AGM	Ordinary	Yes		No		Abstain	
5	Committee Annual Report	Ordinary	Yes		No		Abstain	
6	Election of Chairperson of BC	Ordinary	Yes		No		Abstain	
6 (a)	Appointment of Committee Chairperson	Ordinary	Yes		No		Abstain	
7	Committee Number and Quorum	Ordinary	Yes		No		Abstain	
8	Election of Committee	Ordinary	Yes		No		Abstain	
9 (a)	General Delegation of Powers	Ordinary	Yes		No		Abstain	
9 (b)	General Delegation of Powers	Special	Yes		No		Abstain	
9 (c)	General Delegation of Powers	Special	Yes		No		Abstain	
10	Re-appointment of BC Manager	Ordinary	Yes		No		Abstain	
11 (a)	Insurance Discussion	Ordinary	Yes		No		Abstain	
11 (b)	Insurance Discussion	Ordinary	Yes		No		Abstain	
12	Change of End of Financial Year	Ordinary	Yes		No		Abstain	
13	Approval of Financial Statements	Ordinary	Yes		No		Abstain	
14	Appointment of Auditor	Special	Yes		No		Abstain	
15	Discussion of Long Term Maintenance Plan	Ordinary	Yes		No		Abstain	
16	Site Manager's Report	Ordinary	Yes		No		Abstain	
17	Health & Safety Report	Ordinary	Yes		No		Abstain	
18	Approval of Administration Fund	Ordinary	Yes		No		Abstain	

	Budget							
19	Approval of Long Term Maintenance Fund Budget	Ordinary	Yes		No		Abstain	
20	Striking of Levies and Number of Levy Instalments	Ordinary	Yes		No		Abstain	
21	Recovery of BC Levies	Ordinary	Yes		No		Abstain	
22	General Business	No Motion	Yes	XX	No	XX	Abstain	XX

If the general meeting is adjourned and reconvened, this postal vote is valid for the purposes of the reconvened meeting

Date: ____

Signature of eligible voter: _____________________________

Notes

1. Your postal vote will not be counted if any Body Corporate levies, or other amounts that are payable in respect of your unit, are outstanding.
2. If a poll is requested, your ownership interest will be counted as part of the poll. If no poll is requested, your postal vote will be counted as one (1) vote. You cannot request a poll via Postal Voting.
3. If at the general meeting of the Body Corporate the wording of a motion is materially altered, your postal vote in relation to that motion will not be counted. It is the responsibility of the Chairperson to decide what constitutes a material alteration. If you are concerned that your postal vote may not be counted as a result of an amendment to a motion, you should consider appointing a proxy to attend and vote at the meeting on your behalf.
4. If a quorum is not present at the general meeting of the Body Corporate, and regulation 13(1) of the Unit Titles Regulations 2011 does not apply, the meeting will be adjourned until the same day one week later and your postal vote will be counted at that meeting.
5. If the unit is owned by a Company or a Trust, all Directors (or the nominated Representative) and Trustees must sign the form.
6. If the unit is owned by more than 1 person, every owner or his or her authorised representative must sign the Postal Voting form.