HOME OWNERS ASSOCIATION, ATLANTIC SANDS & SHORES, LAAIPLEK
MINUTES OF THE TENTH ANNUAL GENERAL MEETING, HELD AT THE NG CHURCH HALL, ON 1 MAY 2021

1. WELCOME

The chairperson welcomes everybody present and thanked them for making the time available to attend the meeting.

2. ATTENDANCE REGISTER

The attendance register was signed by all owners present in person or by proxy. The register is kept on record for future reference.

Owners representing 28 individual properties were present in person and the Investor represents 287 erven. 20 Proxies were received.

3. PROXIES AND APOLOGIES

The proxies and apologies received are recorded on the attendance register.
One apology was received from Renier van Jaarsveld

4. QUORUM

The owners present in person and proxies received represent a quorum and the meeting was duly constituted.

5. NOTICE

The notice is taken as received and read by all owners present.

6. APPROVAL OF THE PREVIOUS MINUTES

6.1 Minutes of the annual general meeting held on 28 November 2020.

The minutes are approved as a true reflection of the discussions and decisions at the meeting. T Wallace proposed, and S. Wilkins seconded the approval of the minutes.

7. MATTERS ARISING FROM THE PREVIOUS MINUTES

7.1 Boardwalk

The municipality has decided to remove the boardwalk along the beach front due to regular damage and vandalism of the facility. Part of it had been removed but owners will still be able to get access to the beach over the dune with walkways.

J Lewis reported that people are still jumping over the low fence. Managing agent will visit the site with J Lewis to do an assessment and to report back to the trustees.

7.2 Estate office and entrances

At the previous meeting it was recorded that the HOA should consider acquiring an erf adjacent to the entrance to build an estate administration office and store room facilities, as well as a second in- lane at South.

There is a second entrance to North in a position closer to the beach which is currently not being used. It can be opened to serve as second entrance to North.

The trustees must proceed with the planning and a cost estimate for submission to the owners for their consideration.

7.3 Security

Managing agent reported that the trustees have obtained proposals and quotations from three service providers to install cameras along the full length of the perimeter fence. The cost is approximately R3,0 million.

The trustees resolved that a specialist consultant be appointed to prepare a specification of services and the products to be provided. Service providers will then quote on these specifications in order to ensure that the price and products are directly comparable.

In the meantime, the re-activation of the existing electric fence on the palisade panels will be investigated. One of the owners, Mr Greyling, has submitted a quotation to re-activate the existing electric fence and also to extend it to run across the wall panels in the fence. This will help to stop people from jumping over the walls to get access.

7.4 Control architect

Subsequent to the previous AGM the trustees have met to discuss the complaints pertaining to Heini van Niekerk. It was resolved not to terminate his services, but to investigate each complaint. Trustee Marius Duvenhage was tasked to try and get written complaints from dissatisfied owners, but nothing was submitted to him for presentation at the meeting.

Owners present at the meeting were once again asked to submit any complaints in writing to the managing agent so the trustees can investigate and evaluate each complaint. They will then decide whether Heini's services should be terminated or not.

In the meantime, both consulting architects will continue to provide their services on a monthly basis. Their scrutiny fee of R6796.84 inclusive of VAT remains unchanged, but the fees for other services such additions, etc. will be discussed with both architects.

8. CHAIRPERSON'S REPORT

The report was read at the meeting and will be filed for future reference.

9. FINANCIAL STATEMENTS

The audited financial statements for the period ending 28 February 2021 distributed to all owners were discussed.
It was approved as proposed by S Wilkins and seconded by J Lewis.

10. LEVY AND EXPENSE BUDGET

Managing agent explained the process followed to approve the budget and levies.

Managing agent prepares the budget based on actual expenses incurred at that time; the draft budget and proposed levies are submitted to the trustees for their consideration and managing agent meets with the trustees to agree on any amendments and in-principle approval of the budget and levies payable as from the commencement of the new financial period, being 1 March of each year.
The interim approved levies are charged from 1 March.

The budget and levies approved in principle are submitted to the AGM for final approval by the owners. If the budget approved at the meeting requires a different levy structure, it will be implemented as from the date agreed at the meeting.

The budget and levies payable as from 1 March 2021 and tabled at the meeting were approved, proposed by P. Naude and seconded by D Vink.

The current levy payable is R366.00 per erf for individual owners and R148.00 per for the investor.

It is recorded that the approved levies will result in and under recovery of approximately R102000.00. Managing agent reported that the transfer of approximately 30 erven sold by the investor is in process and once transfer is registered the full levy will be paid in respect those erven, resulting in an increased levy income for the HOA, thus reducing the under recovery.

11. INSURANCE
The infrastructure is insured for R6 579 110.00 and it was decided to keep the amount unchanged for the current financial year

It was approved that Fidelity Fund and Computer Fraud cover should be R3434000,00 inclusive of the currently bank balances and the full levies for the current financial year.

12. AUDITORS.

Theron du Plessis Inc. is appointed as auditors for the 2021/2022 financial year.

13. ELECTION OF MANAGEMENT COMMITTEE

The following members have been re-appointed to the management committee:

Messrs T. Wallace – investor
G. Harrod– investor
S. Wilkins - investor
R. du Plessis – owner (chair person)
R van Jaarsveld – owner (co-opted as conflict architect)
M. Duvenhage – owner

14. DOMICILLIUM OF THE HOA

It was decided that the auditor's address will be taken as the domicilium, namely:
Theron du Plessis Inc.
Buena Vista office park
Cnr Durban and Kendal Road,
Durbanville
7550

15. APPOINTMENT OF A MANAGING AGENT & LEVY CLEARANCE

The managing agent is appointed by the trustees and the appointment of Devman Props CC, trading as Propex Property Services for a period of two years as from 1 March 2021 until 28 February 2023 is recorded.

It is approved that H. Truter, M. Terblanche and L. Burke from the managing agent's office are authorised to sign all documentation pertaining to the Consent to Transfer and bond waiver certificates when a property is sold.

16. LEVY COLLECTION POLICY AND INTEREST RATE CHARGED ON LEVIES IN ARREARS

The levy collection policy is approved as follows:

The monthly levy is payable in advance at the beginning of a month for that specific month.
A levy statement is issued to all owners each month.
Accounts outstanding for thirty days are being followed up and if still unpaid at sixty days a final demand is sent out. If the amount is not paid within the time period set in the final demand, the account is handed over for collection and all cost is for the account of the owner.
Interest at 15,5% per annum will be debited on all levies outstanding for 30 days and longer.

17. GENERAL

17.1 Municipality / Deeds Office dispute re transfers

The constitution stipulates that the HOA must issue a consent to transfer when a property is sold.
No problem was experienced in the past with the transfer of erven sold by individuals. However, when erven sold by the investor were lodged for transfer at the Deeds Office they queried who initially imposed such condition as part of the constitution – the Municipality or the Developer?
The investor engaged in negotiations with the Municipality and the Deeds Office and the matter had been resolved, subject to the final wording of the conditions, which are currently being considered by the Deeds Office, stipulating that the Developer imposed the condition

17.2 Identification of the estate entrances

Managing agent suggested that the two entrance of Sands be identified individually such as 1 or 2, or SOUTH and NORTH. This will simplify the identification of the two phases in communication with other parties.
SOUTH and NORTH were approved unanimously. SHORES will remain unchanged and Managing agent will arrange for appropriate signage to be affixed to each of the three entrances.

17.3 POS erven

Koos Steyn, proxy for an owner asked what is the future of the POS erven in the estate.
Managing Agent reported that it will remain undeveloped in its natural state, as per the conditions of approval of the development.

17.4 Wall along boundary adjacent to the main toad and public access to the beach

Owners once again asked whether they can build a wall in order to improve privacy and security.
Managing agent reported that he has previously approached the Municipality regarding this matter. The municipality advised that the HOA will have to appoint a consultant to apply for revision of the conditions of approval permitting the removal of the palisade fence and the construction of a solid wall.
The consultant who attended to the initial process (Derrick Chittenden) was asked to give his opinion on this and he advised against it. It would require a complete new application and it will be a costly (approximately R250000.00) and long process. The trustees at the time decided not to proceed with the application.
Managing agent will ask the Municipality for approval to allow owners to construct a wall approximately one meter inside the erf boundary. It must be confirmed whether the wall must be positioned within one meter from the outside erf peg or one meter inside the existing palisade fence.
There is resistance from purchasers to purchase erven along the fences due to the lack of privacy.
It was suggested that owners should consider planting trees/shrubs along the fence.
Owners will be informed of the outcome of discussions with the Municipality.

17.5 Calcrete cladding on exterior walls

Koos Steyn enquired whether the issue of stone cladding had been resolved.
The chairperson reported it was discussed at a recent meeting of trustees and Renier van Jaarsveld advised that as the building guidelines are silent about cladding it is within the professional discretion of the control architect whether he will approve it.
The chairperson advised if cladding must be included in the building guidelines then the whole document must be revised and approved by owners for final approval by the Municipality.
An owner asked why IBR roof sheets are not allowed. The chairperson suggested that the two control architects be asked to give an opinion on this and if necessary it must be included in the building guidelines.
At the recent meeting of trustees Renier van Jaarsveld suggested that the guidelines include a dispute resolution clause to provide for such matters.

17.6 Height of common boundary walls between two properties

Koos Steyn asked what the correct height should be as there are properties where different heights are approved. Managing agent asked that he provide more information and he will investigate and report back.

17.7 Sewer system problems

Marius Hollander reported that the sewer pump sump close to his house on erf 4086 has a very bad smell. The Municipality is responsible for the maintenance of the sewer system and managing agent will take it up with them.

17.8 Alternative building methods

Mr Horn will submit information of the interlocking/Lego brick blocks to Managing agent, for consideration by the trustees.

As there was no further business to discuss the meeting adjourned at 11h15.

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CHAIRPERSON DATE

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TRUSTEE DATE