



ATLANTIC BEACH  
ESTATE

ANNUAL GENERAL MEETING

2016

Draft Minutes

*29 September 2016*



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ESTATE

**ATLANTIC BEACH HOME OWNERS ASSOCIATION NPC**  
**MINUTES OF THE ANNUAL GENERAL MEETING OF ATLANTIC**  
**BEACH HOME OWNERS ASSOCIATION NPC HELD AT THE**  
**MELKBOSSTRAND HIGH SCHOOL ON THURSDAY 29 SEPTEMBER**  
**2016 AT 19H00**

**PRESENT** : 120 MEMBERS IN PERSON OR REPRESENTED  
BY PROXY

**APOLOGIES** : MR LG NUKU (E3425)  
MR N VAN DER WALT (E4075)  
KALAHARI TSAMMA TRUST (E3558)  
MS GS CARTHY (E4145)  
MR CC SIMPSON-HEATH (E3537)

**IN ATTENDANCE:** HARRY WHITE (CEO – ABHOA)  
MIKE MOREY (MD - PGPMS)  
RAYNELLE WHITE (PROPERTY MANAGER –  
PGPMS)  
NIKKI DELPORT (ESTATE LIAISON OFFICER –  
ABHOA)  
FRANS OESCHGAR (AUDITOR - AMF &  
ASSOCIATES)

**1. WELCOME AND CONSTITUTION OF THE MEETING**

Mr Morey welcomed the members and declared a quorum present and therefore a duly constituted meeting.

**2. APPROVAL OF THE MINUTES OF THE PREVIOUS ANNUAL GENERAL MEETING HELD ON 01 OCTOBER 2015**

The minutes of the Annual General Meeting held on 01 October 2015 were approved without amendments and duly signed by the Chairman, Ms Fild. Proposed by Mr R Webster and seconded by Mr P Gutzmer.

3. **CHAIRMAN'S REPORT**

The Chairman's report, which had been circulated prior to the meeting, was taken as read. The Chairman, Ms Fild, addressed the meeting and gave a power point presentation summarising pertinent points raised in the Chairman's Report of 2016. She further introduced the Board of Directors and Management Team to the owners and thanked the Board and the Management Team for their efforts and hard work.

4. **APPOINTMENT OF DIRECTORS**

In accordance with clause 17.7 of the Memorandum of Incorporation, Alan Keet and Bruce Kaiser were deemed to have retired from office as Directors, as they had served two years on the Board. As a result there were two vacancies on the Board of Directors. Alan Keet and Bruce Kaiser had made themselves available for re-election.

In response to the request for nominations distributed to members on 11 August 2016, no nominations were received by the due date and therefore no voting was required at the meeting.

The Board of Directors for the period 2016/2017 was duly confirmed as follows:

D Boyce

L Fild

B Kaiser

A Keet

D Lotz

5. **TO RECEIVE AND ADOPT THE ANNUAL FINANCIAL STATEMENTS OF THE ASSOCIATION FOR THE FINANCIAL YEAR ENDED 30 JUNE 2016, INCLUDING THE AUDITORS REPORT**





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The Annual Financial Statements of the Association for the financial year ended 30 June 2016 as distributed prior to the meeting were tabled for consideration. Mr Morey advised that the Chairman's Report covered most of the issues and that no further discussion is required. There being no further questions or queries the members present resolved to approve the financial statements. Proposed by Mr R Webster and seconded by Mr D Austen.

6. **THE REMUNERATION AND APPOINTMENT OF THE AUDITORS FOR THE FINANCIAL YEAR ENDING 30 JUNE 2017**

Mr Morey advised that the Board recommended AMF and Associates be retained as Auditors of the Association. The members present resolved to re-appoint AMF and Associates for the year ending June 2017. Proposed by Mr G Northcote and seconded by Mr K Turton.

7. **TO NOTE THE BUDGET OF THE ASSOCIATION FOR THE FINANCIAL YEAR ENDING 30 JUNE 2017**

Mr Morey tabled the budget of the Association for the financial year ending 30 June 2017. He advised that the annual budget meeting had been held in May 2016 during which the contents of the budget had been discussed, and noted that the budget documentation would therefore be taken as read. The budget was duly noted by the members present.

8. **TO NOTE THE LEVY AS DETERMINED BY THE DIRECTORS FOR THE FINANCIAL YEAR ENDING 30 JUNE 2017 WILL BE THE SUM OF R2,080 FOR EACH ERF REGISTERED IN THE NAME OF A MEMBER OF THE ASSOCIATION, SAVE FOR THOSE LEVIES AS DETERMINED BY THE BOARD IN TERMS OF CLAUSE 3.3.5 OF THE ASSOCIATION'S MEMORANDUM OF INCORPORATION**

The levy as determined by the Directors for the financial year ending 30 June 2017 was noted by the members present.

**9. GENERAL**

Mr Morey advised that provision had been made for owners to table any items for discussion prior to the meeting and noted that the following questions had been received, which would now be dealt with by Mr White:

**9.1 Please provide the homeowners with an update regarding the legal issues with the golf club:**

Mr White confirmed that these items were dealt with as part of the Chairman's Report and listed a summary as follows:

<b>Title Deed Condition and Zoning Scheme Departures by ABM.</b>	If left could have serious long-term consequences for homeowners.	Court process completed and awaiting Judgement
<b>The effluent water supply and infrastructure usage rights.</b>	Currently for the exclusive use of ABM, these rights should have been transferred to the ABHOA at the end of the development period.	Arbitration Agreement concluded and awaiting ABM's Plea.
<b>The unilateral removal of the post and rail fences.</b>	The Board was mandated by homeowners to ensure that environmentally sensitive no-go areas are reinstated and protected.	Consulting with witnesses and anticipate being in court around June 2017.
<b>The over-subsidisation of operational golf club expenses</b>	We are currently paying ABM around R5 million a year towards the subsidization of the costs of maintaining and operating the club. In addition, we incur additional maintenance and operational expenses on behalf of the Club.	Arbitration Agreement concluded and awaiting ABM's Plea.



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**9.2 When will the paving of the verges continue?**

Mr White tabled photographs reflecting the current status of the verges in the Estate. He advised that the intention was always for the road and the verges to have a difference in texture and hence the gravel verges that remain in certain parts of the Estate. He further tabled a photograph showing the verges on the estate where there is no height difference between the road and the pavement, which do not best serve the aesthetics on the Estate. He therefore asked the owners to consider a different texture to the paving for the verges, to allow the current gravel to possibly be recycled and use as part of the project. The owners' only concern with this proposed texture was for it not to hurt children's feet when walked upon and Mr White confirmed that this will be kept in mind.

**9.3 Why does the HOA not take more stringent action against homeowners that allow their properties to deteriorate?**

Mr White referred owners to General Rule 3.2.1 which reads as follows: *"Whenever they consider that the appearance or condition of any erf or building on any erf is such as to be unsightly or injurious or constitute a nuisance to the surrounding area or the Estate generally, the Directors may serve notice on such owner to take such steps as may be specified in the notice to eliminate such nuisance or unsightly or injurious condition."*

Mr White confirmed that once notified, owners usually receive 6 months to rectify the situation. Mr K Turton noted his concern that from the golf course side the paint of some of the houses seem to have deteriorated and relevant homeowners need to be notified thereof. Mr White confirmed that he would look into the matter. Mr White also presented a list of all homes, which have defaulted as an indication of the process that is followed.

As a separate but related matter, an owner asked why Kikuyu grass is not allowed to be planted on the Estate, however in some instances it is taking over majority growth on certain properties and it is also on the golf course. Mr White advised that the environmental management plan for the Association does not allow Kikuyu grass to be planted.

**9.4 Koeberg applications for Additional Power Station and Transient Interim Storage Facility (TISF)**

Mr White advised that an owner brought this matter to his attention and asked what the Association's involvement will be, if any. Mr White gave some background on the subject:

- Koeberg's two 900MW reactors need more storage capacity for spent fuel generated beyond 2018;
- Koeberg produces about 32t of spent fuel a year but its spent-fuel

ponds, where assemblies are coded under water for a decade, are 70% full;

- Off-site central interim storage facility is planned to be available by 2025 and dry-storage casks will be transported from transient interim storage facility to Koeberg;

Mr White confirmed that he has had initial discussions with the Ward Councilor Nora Grose who will become more involved in these matters. Mr White also undertook to keep owners informed of possible objection processes as applicable.

The following matters were raised for discussion from the floor:

#### **9.5 Application for a Church opposite the Estate**

An owner queried whether this application has ever been approved, as no further information with regards thereto is forthcoming. The owner noted his concern on the noise impact such a facility will have on the estate and also noted the displeasing aesthetic look of such a building. An owner advised that due to the 5km evacuation plan of Koeberg the application for a church on the suggested erf has not yet succeeded.

#### **9.6 Water Quality of Potable Water**

An owner queried whether a recent test was done with the potable water as the quality of the water is not up to standard. Mr White advised that he has not been made aware of any problems with the water and hence no recent test has been done. He will investigate and test the water in respect of quality.

#### **9.7 Why is the HOA not considering buying the golf course land from the City?**

HW advised that all matters have to be taken into consideration and at this stage it will not be viable for the HOA to accept this



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offer. The reason being that the current lease agreement in place will continue regardless of whom the owner of the land is, and this would then result in the transaction not being viable under current circumstances. Mr White invited all owners, who wish to obtain further information on the matter, to his office on prior arrangement, in order to then discuss these matters and give insight to the available documents relating thereto.

**10. CONCLUSION**

There being no further queries or matters to discuss, Mr White thanked the members present for attending and declared the meeting closed.

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING CLOSED AT 20:05.**

\_\_\_\_\_  
**CHAIRMAN**

\_\_\_\_\_  
**DATE**