

# KINGSWOOD HOA TRUSTEE UPDATE

INTERIM UPDATE OCTOBER 2018



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Dear Home-owners,

Further to our previous updates, which can be found [here](#), please find below our trustee meeting update for October 2018.

## MATTERS OF NOTE

### 1. Security

The latest security review has been underway since July 2018. Slow but certain progress

### **1.1 Frustration of Security Personnel**

Concern was raised that some golfers, visitors and Home-owners treated the security personnel unfairly and in a rude manner. Trustees decided that such instances must be noted in the register/log book at the respective gates. The entry should have the following: Name (if available), registration number of vehicle, time and point of destination and offending behaviour description. If such behaviour is repetitive from the same subject, an email is to be sent to the resident addressing the complaint. It could eventually culminate into naming these subjects in the monthly estate Newsletter.

Action: Dan and Warren to implement this decision immediately. Dan is also tasked to inform all residents through the monthly estate Newsletter.

### **1.2 Golfer Access Control**

An increasing number of visitors are entering the estate indicating that they are playing golf and then never do so and end up just driving around. The Trustees decided to impose a system where a daily golf list (tee sheet) is presented to the security personnel at Gate1. If a person's name is not on the particular list, security at the gate must contact the Pro Shop and they should confirm with security that the person is indeed a golfer. Security at the gate must add the concerned person's name on the list for access and exit control purposes.

Action: Dan to inform Sports Connection for the immediate implementation of the daily golf list and Warren to train security at Gate 1 on this arrangement.

### **1.3 Colour Cards for Access and Exit Control**

In light of the increased traffic on the estate and pressure on personnel to effectively enforce access and exit control as well as security measures on the estate, the Trustees decided that as an interim measure, the current colour coded card system is to be continued. Each and every vehicle (except those with residence tokens) must display visibly the particular colour coded card for e.g. golfers, contractors, deliveries and visitors. (Note: This would be only effective until a new upgraded electronic system is in place.)

Action: Dan and Warren to implement this decision immediately.

### **1.4 Deliveries to the Estate**

Concern was expressed regarding the difficulty in controlling the pre-notice and movement on the estate of delivery vehicles. This is applicable for both small deliveries and large vehicles of contractors.

Ideally the principle should be, no entrance to the estate if the resident or contractor had not cleared the delivery beforehand with security at the gate or designated person who would inform security at the gate. In the instances of contractors, they should provide

to speed up the movement at the gate and reduce backlogs. In cases of visitors to the estate a similar system of pre-notice should be implemented and enforced.

Action: Concern exists that it may in some instances not be practically possible. Investigations are underway to determine if this can be made possible with the necessary protocols and communication technologies applied. Andre Steenkamp is currently assisting the Kingswood Management Company in getting proposed solutions in place and will run this by the Security Committee for their comment and advisory.

### **1.5 Implementation and Enforcement of the various Estate Rules and Codes of Conduct**

The Security Committee members expressed their concern over the capability/capacity of Kingswood Management Services to effectively implement/enforce the House Rules and Builders Code of Conduct. This led to various transgressions where Home-owners unleashed their dogs; not registering dogs/pets; businesses from home and no registering/approval from HOA; children driving around with golf carts; boats, trailers and caravans in front of homes; not adhering to traffic rules on the estate; etc. Cognisance was taken that Paul Thiant was appointed to i.a. assist in implementing and enforcing the Builders Code of Conduct.

The Board of Trustees decided:

Serious consideration should be given to the appointment of a dedicated person to implement and enforce the House Rules. The Management Company is to investigate the feasibility of such an appointment or alternatively measures to be implemented to ensure enforcement. After continuous transgressions, names and transgressions to be published in the "Newsletter". Register(s) (House Rules and Builders Code of Conduct) of transgressors and transgressions to be implemented;

Monthly, the Board of Trustees are to be informed of transgressors and transgressions (both House Rules and Builders Code of Conduct).

Action: Kingswood Management Services to report back on the proposal.

### **5.6 Warning Signs**

It has come to the attention of the Security Committee that legally at all entrance points to the estate (gates and river crossings) warning notice signs should be erected to warn that the estate is private property and that entering it without consent would lead to prosecution.

Action: Dan must ascertain the costs for these signs and submit quotations at the next Board of Trustees meeting.

### **5.7 Actions Pursuant to Technology Upgrades**

Various technologies are currently under consideration to systematically upgrade several

priced and considered for practicality and compatible integration. This report, due to the sensitive nature of its content (not wanting to lay bare the entire security system to the general public) will be made available for the review of the security committee.

## 2. Security Incidents of Note for this Month

### 26/09/18 | 20H40

Incident: Unknown persons entering Kingswood via the river crossing between Kingswood and Mount View Holiday Resort.

Outcome: Seen exiting via same route as entry after search was deployed.

Action: Security upgrades at river crossings currently underway.

### 17/10/18 | 10H12

Incident: S/O Damoyi reports that a she was knocked over by a vehicle that entered on the exit side at Gate 2 and pistol grip of scanner was damaged.

Outcome: S/O Damoyi was taken to hospital to asses her injuries.

Action: Road plans requested for the widening of the entrance to ease congestion.

Impatient, rude and aggressive behaviour to be logged and directly addressed with residents and their visitors.

## 3. Communication

Maritza Botha wishes to extend an apology for the lateness of the current update, but the recent fires in and around the Garden Route and large workload during this time of year have placed everyone under unusual strain. We assure Home-owners that despite this delay we remain committed to keeping everyone up to date and informed.

Communication can only be efficient where information is well managed, channels are open, transparent and unhindered by excessive review and technologies are harnessed to channel the message to where people take note.

In terms of improvements on communication several needs have been identified by Maritza Botha and she will present this to the Board of Trustees for their recommendations and approval:

- Improved electronic document management and accessibility to all trustees;
- Proper induction of new trustees;
- Clear lines of responsibilities and accountability for managing various communications;
- Creating incident and communication logs to ensure proper attendance and follow-ups;
- Push notifications via a mobile app or bulk sms;
- Reporting on incident logs to identify recurring themes and problem areas to be more aggressively addressed;
- Improving management presence and responsiveness on various electronic platforms such as Whatsapp/Facebook;
- Implementation of a communication and estate management system accessible to all Home-owners;

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- Clear communications between Golf Operations and Home-owners for golf conduct and course incident reporting;
- Clear communications between Golf Operations and Trustees for finding best agreements and co-working.

The intricacies involved in managing all these channels and tools of communication cannot be underestimated and the need for more efficiency is growing with our expanding Kingswood community. Actions to be taken to address these needs may include adopting an existing estate management application like GLOvent or having our own custom solution developed by local expertise. For budgeting purposes GLOvent will be used as benchmark. Trustees however are not yet convinced that GLOvent will be the correct decision for Kingswood, thus final decision making will be delayed until all the problem areas and available solutions have been properly assessed for integration, suitability and compatibility.

Action: Board of Trustees to comment and approve on recommendations that are found to be fit and reasonable and mandate the implementation thereof by Kingswood Management Services.

"For budgeting purposes GLOvent will be used as benchmark. Trustees however are not yet convinced that GLOvent will be the correct decision for Kingswood, thus final decision making will be delayed until all the problem areas and available solutions have been properly assessed for integration, suitability and compatibility."

Maritza Botha

#### 4. Changes to the Constitution

Certain changes to the constitution have been proposed by the Developer to incorporate rights of the hotel and golf course erven. As directed by Home-owners at the SGM, the matter has been referred back to the Trustees for review and the Trustees are assessing the implications and have sought legal advice.

Progress is being made towards some workable variations and negotiations remain ongoing.

**Latest Status:** Further feedback will be provided when the final package has been concluded.

#### 5. Roads Transfer Issues

Previously and per the last newsletter the Developer informed Trustees of his intent to lodge a court order to compel the Home-owner Trustees to sign for the transfer of Roads to the HOA.

would be against the interest of Home-owners to accept transfer until related legal and existing repair matters have been competently addressed. The Home-owner Trustees consider the matters of storm water defects and the roads surface issues as inseparable from the transfer of roads as taking transfer may unintentionally pass on possible unresolved developer obligations to the HOA.

The developer issued a writing on 13 August 2018 as a reply on the writing of the Member Trustees of 12 July 2018 to the Trustees. The letter notified the Trustees of the grounds on which the Trustee signatures would no longer be required to effect transfer of the roads. The Member trustees issued an objection on 29 August 2018 to the Developer, on the claims made in his writing. The HOA will also obtain an interdict, if becomes necessary, to prevent the appointed transferring attorneys from proceeding with such transfer.

The objection letter (presented to the Board of Trustees by the Member Trustees) on 29 August was accepted by the Board of Trustees and was relayed under the signature of the HOA Board to the Developer. On 10 October the Developer informed the HOA that they are not in a position to adhere to the request of the HOA to repair the defects on the roads and storm water system as requested in the HOA letter of objection of 16 September 2018.

**Latest Status:** The Trustees have proposed two resolutions to the Developer, one which offered mediation as a possible measure to dispute resolution to avoid costly legal proceedings, as well as a resolution to proceed to pursue an interdict against the Developer to prevent proceeding with transfer according to discussions at the August Trustee meeting. The Developer's attending attorneys Louw do Plessis have indicated that their client's (the Developer) view is that alternative dispute resolution would not be a viable option and that the Developer will not proceed with transfer pending the final determination of an application to the High Court and that the HOA needs to serve their application papers by no later than 16 November 2018. On presentation of signature of the proposed resolution the Developer Trustees responded that they cannot support the motion due to reasons stated in the letter received of [2 November 2018](#). Member Trustees have in turn responded with their [letter of 6 November](#) addressing the concerns expressed by the Developer Trustees. The response from the Developer Trustees are awaited.

The two unresolved issues considered related to the transfer of the roads to the HOA by Member Trustees are as follows:

**a. Surface Defects – Cracked Pavers (Kantey & Templer Report)**

The Home-owner Trustees are reviewing the Kantey & Templer report of 21 May 2016 afresh for implications and to assess which next steps should be taken pursuant to these recommendations. The roads repair issues, however, in the view of the Home-owner Trustees, remain a matter for the developer as the roads have not yet been transferred. Taken that there is disagreement on this between Home-owner and Developer Trustees, a resolution is yet pending and investigations and/or legal processed will be initiated to ascertain the responsible party/ies.

Paul Thiart is also assisting with reviewing the implications of the surface defects, and

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An exact feedback on progress on this matter was requested at the October meeting. Marc noted that this was not only a review requested by the Member Trustees, but that all Trustees agreed hereto and will henceforth be considered accordingly.

**Latest Status:** Paul Thiart indicated that roads 1 and 10 of the 2016 Kantey Templar report are due to be urgently repaired/replaced and an initial costing was done amounting to R1,7 million. Paul also indicated that he was not in a position to determine liability. Trustees have requested a full record of reports and correspondence between Kingswood Golf Estate and Kantey and Templar to ascertain full facts and are waiting same.

#### **b. Storm Water Seal Defects (Rocla SA) & Transfer of Roads to the HOA**

The defective storm water seals remain a pressing matter of concern, especially taken that Albie Laker noted that the court case between ASLA and Rocla SA was going nowhere. Trustees will request copies of the latest status on this matter as well as the application for a court date, which is reportedly currently awaited. It remains a priority for Member Trustees that this outstanding legal matter be resolved before effecting the transfer of roads to the HOA.

Maritza Botha requested copies of documentation on the original summons and court application date. Marc in turn indicated that due to the fact that the HOA decided not to join action against Rocla SA that they are not entitled to all documents related to the case.

**Latest Status:** Maritza Botha has requested a formal update from the Developer's attorney on the actions taken by ASLA to prevent prescription of its claim against ROCLA SA. Marc Stuyck has referred her to the letter of [10 October 2018](#) as response.

#### **6. Sports Connection Proposal Presentation**

The status of this proposal presentation is unclear as we have not received feedback on the legal review requested on the Sale Agreement concluded between Sports Connection and the Developer. Further discussions have been underway and will be addressed in a special communication covering this matter in depth.

**Latest Status:** It has been agreed that Millers Attorneys will be attending to the review of the Sale Agreement. There has been disagreement on the terms of the instruction to the attorneys and the terms have not been agreed. A Feasibility study is also under way, for purposes of proactive planning, to determine the cost to owners where the HOA would own the golf course and to put the HOA in a position to accurately respond to threats or opportunities as and if they arise.

#### **7. Kingswood Management Company Agreement**

No signed management agreement currently exists between the HOA and the KGE Management Services (Pty) Ltd. A proposed management agreement has been tabled at the last trustee meeting, as many times before in the past, and further detail has been requested. It was discussed that the Kingswood HOA needs to pursue self-sufficiency for

according to best market practice. Further steps will be discussed at the next Trustee meeting and outstanding information of the current KGE Management Company is to be presented for review.

Trustees have received the missing addendums on the Management Agreements presented at the previous Trustee meeting, and have requested copies of previous Estate Management quotes obtained. Once received, Mias Strauss will assess upon his return from holiday for next steps. Marc added that the agreement has been presented to the Board many times in the past.

**Latest Status:** Member Trustees have raised the concern that the current management agreement/structure is not fully sufficient to meet the growing needs of the Kingswood community and that steps should be taken pursuant to a solution where the Developer would be free to exit and that the HOA would be self sufficient. Such actions will also resolve various governance conflict of interest realities such as the CEO of the management company (Marc Stuyck) seated as chairman of the HOA Board of Trustees. The Member Trustees believe there would be no purpose in delaying the inevitable. Rather than going onto dispute over what needs are not being met under the current agreement, the HOA should bring to force a new agreement suitable to the current HOA needs and requirements and where the Board can act independently from the management company. The Member Trustees are of the view that current human resources should be retained and supplemented under suitable supervision and under the direct employment of the HOA, if agreeable to the Developer who owns the current management Company. The views of the Developer Trustees are not yet available on this matter and will be obtained at the November Trustee meeting where further arrangements and solutions on the matter will be pursued.

## 8. Committees

Trustees were in agreement that in line with principles of good governance the Trustees need to ensure inclusiveness and transparency. Specific Trustees will be tasked to take leadership of these committees and engage with them for inputs and advisory. It remains the prerogative of the Trustee to consider these inputs for merit and inclusion.

The committees have now been formally constituted in following areas:

- Security (Andre Steenkamp, Bennie van der Schyff, Ricardo Stümke, Japie Steyl)
- Golf Course Future Structures (Mark Wiltshire, Deon Kruger, Eugene Schoombie, Earle Peterson, Roy Edge)
- Finance (Mias Strauss, Roy Edge)
- Social / Community (Wendy Thompson)

Meetings will be facilitated with the committees in due course and as required.

**Latest Status:** Committees remain active and the Trustees would like to encourage active member participation through the available committee channels as the HOA pursues greater independence from the Developer and self-determination.

please indicate your interest, or nominate an individual for participation here:

## NOMINATE OR VOLUNTEER

### 9. Building Controls

We are very pleased to have Paul Thiant added to our team. Paul is a professional engineer with more than 30 years of civil engineering experience and he has been appointed to assist in the monitoring and enforcing of building controls. Paul is doing a sterling job and we thank him for his immense efforts. If anyone has any concerns in this regard, please do notify Dan or respond in comment to this writing using the feedback button below.

**Latest Status:** Enforcement of penalties on infringements will take priority under the new management structure as fresh review of rules and penalties approaches conclusion.

### 10. Risk Management

#### 10.1 Driving Range

As a response to the Trustees reporting the Driving Range safety interventions as insufficient to prevent future risk of injury or damage to property or people Sports connection has implemented the following improvements:

- They have changed the direction of the tees to improve the safety of the angle.
- They have banned the use of drivers by putting up signage to this effect, and have trained staff to communicate this with golfers.
- They have undertaken to provide detailed specification on their insurance policy to cover the appropriate eventualities.

Dan is following up on breaches of implementation of safety precautions and compliance is being monitored.

**Latest Status:** The operator has indicated that they are amicable to improve upon their communications with golfers and Home-owners and that they will make available channels of reporting to enable swift action on transgressors, and inform and remind their members of rules and code of conduct to make them more acutely aware of items that are a concern to Home-owners.

#### 10.2 Speeding and Traffic Control

Trustees are concerned about lack of compliance to the speed limit by some residents or their visitors, putting mostly children and pedestrians at risk. Averting measures such as additional speed bumps will be considered to address problem areas. The HOA is obtaining latest advice on available interim traffic enforcement measures pending the outcome of related landmark legal cases.

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Cycle path is looking good, but some stands that are being cleared for construction are impinging with foliage. Please report incidents where detected to Dan.

**Latest Status:** Nothing new to report.

## 12. Knightsbridge Fence for Child Safety

On request of Wendy Thompson, a quote is being obtained to add fencing alongside the play area in Knightsbridge Road to improve the safety of children playing and running into a road that is unfortunately frequented by speed offenders.

**Latest Status:** A fence has been installed.

## 13. Minutes of Meetings

The status of minutes of the meetings are as follows:

18 June AGM/SGM - Approved, Uploaded to Home-owners Portal

17 July - Approved, Uploaded to Home-owners Portal

14 August - Approved, Uploaded to Home-owners Portal

18 September - Approved, Uploaded to Home-owners Portal

16 October - Pending approval

Next Trustee meeting is scheduled for 20 November 2018.

Please feel free to submit any comments and feedback using the feedback button below.

## 14. Debtors

Debtors are being managed well, thank you Lize Baard and your team for your efficient accounting and collections work.

## 15. The Proposed Transfer of the Golf Course to the HOA

The [golf course update communication](#) was released Saturday 29 September 2018. Comments and feedback were invited and projections by Mark Wiltshire has proceeded as next step towards planning on behalf of the HOA for the future. The projections are for information purposes only and to better prepare the HOA to respond, where needed, should any future threats or opportunities related to the golf course arise. The Golf Future Structures committee met on 22 October 2018 to discuss the scenarios the HOA may be facing and need to responsibly prepare for. Francios Schoeman (CEO Pecanwood Estate) addressed the committee and his valuable inputs have been noted and Mark Wiltshire is spearheading further actions in his capacity as concerned Home-owner, in accordance to recommendations, on behalf of the HOA. Discussions are currently informal non-binding explorations to achieve an outcome to the best interest of all involved. Home-owners will be informed as soon as more tangible and reliable information becomes available.

For the time being, an until better outcomes are procured, the status quo prevails and the

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## IN CLOSING

Kingswood is facing six major challenges:

1. Security needs to be progressively upgraded to an acceptable standard;
2. Estate Communication and the management of estate information needs streamlining;
3. Matters related to the transfer of defective roads and storm water system needs resolve;
4. The relationship with the current golf operator needs to be managed to ensure the protect the environment and the interests of owners;
5. A sustainable solution to the future of the golf course needs to be attained;
6. Estate Management resources needs to be reviewed to expedite resolution of the above as well as enforcement of estate rules, policies and procedures.

Trustees are working hard towards addressing shortcomings on the matters above and to see Kingswood Golf Estate thriving into the future. We thank residents for their patience in the process of achieving the above and extend a special thanks to all involved in the committees, extending their support and inputs freely.

## SUBMIT YOUR FEEDBACK

Kind Regards,

### **The Board of Trustees**

Kingswood Golf Estate Home Owner Association

## KINGSWOOD GROUPS

### Kingswood Community Group (Whatsapp)

Whatsapp group for discussing Kingswood related matters unrelated to urgent security matters.

### Kingswood Security Issues Group (Whatsapp)

Whatsapp group for notifying Kingswood residents of important security related matters and

## ESTATE CONTACTS

### **Lize Baard**

Contact for general estate matters, accounts, and matters for the attention of Kingswood HOA Trustees.

[lizeb@kingswood.co.za](mailto:lizeb@kingswood.co.za)

### **Daniel de Wet**

Contact for estate matters related to building sites, security and

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## Kingswood Green Fingers (Whatsapp)

Whatsapp group for gardening enthusiasts in Kingswood.

## Kingswood Home Owners Interest Group (Facebook)

Facebook group for Home Owners only to discuss estate and HOA related matters. Strict member approvals. Home Owners only.

## Kingswood Golf Estate Community Group (Facebook)

Facebook group for individuals interested in Kingswood Golf Estate community matters. Less strict member approvals. Public welcome.

\* Please note that none of these groups are endorsed or administrated by the Kingswood HOA, but are merely mentioned for the benefit of your participation.

[daniel@kingswood.co.za](mailto:daniel@kingswood.co.za)

## General Enquiries

044 802 0700

0861 727 170

## Security - Gate 1

044 8746877

## Security - Gate 2

044 874 4797

072 404 370 (Warren Francis)

## Security - Gate 3

044 874 4597

## Restaurant

044 802 0704

## Pro Shop

044 802 0701

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