



HOME-OWNER TRUSTEES

INTERIM UPDATE JULY 2018

Dear Home-owners,

This update is brought to you by the Home-owner trustees to start a conversation on matters relating to the Kingswood Home Owner Association. This update is expressly the view of the Home-owner Trustees and may differ from the views of the Developer Trustees. We make full provision that a further circular may be necessary to incorporate the views of the Developer Trustees, should there be any disagreement on stated matters requiring further elaboration or clarification. We hope however that our communication reports fairly on all parties.

INTRODUCTION

As part of our commitment to improve communication we submit to you the following interim update whilst the 18 June SGM/AGM and 18 July Trustee Meeting minutes are being prepared, finalised and approved by the estate management team. We firmly believe that we need to remove every possible administrative barrier to keep you updated at the earliest possible time with the best information we have at hand. Whilst many processes take time to resolve, especially legally complex matters, we will provide the latest status as soon as practically possible.

We are providing this update in a summary manner, in such a way that all pertinent information is communicated, however, for practical reasons we cannot include every last detail. Should any of the noted matters raise any kind of concern, we would like to actively encourage your participation to help expedite resolution where you may have meaningful suggestions or contributions to make. You may submit these contributions and suggestions to lizeb@kingswood.co.za where it will be noted for review and inclusion by the Trustees.

A most notable development has been the suggested introduction of Home-owner committees to offer inputs and assistance in specific areas. These committees will engage with Home-owners and report back to the Trustees on a regular basis. The suggested voluntary committees, their intended function and role, are listed under point 7 and we would welcome participation with any Home-owner who feels that they can add value to a

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Your involvement in committees will benefit our Estate and all Home-owners and their families. The positive spin off is fellow residents getting to know each other and making a contribution to the future of their community. We would like to extend a special invitation to Home-owners with valuable skills to volunteer such to our community.

MATTERS OF NOTE

1. Security

Security has been noted as a primary concern and highest priority. The Kingswood Security Issues Whatsapp Group has nominated Andre Steenkamp and Japie Steyl (amongst possible others) as representatives in the committee for security and we would like to invite Home-owners to suggest other participants in the committee survey, which can be found [here](#). Participants of this committee will be headed by Andre Steenkamp (Trustee) and will obtain participant input and advice for consideration in future actions.

Andre Steenkamp will gather the Committee on Security (CS) and will use the most current specialist security audit concluded by Intrust Management in May 2017 as starting point for further intervention. The report has identified areas of exposure in the categories of access control, builder control and lighting and which will be considered for inclusion in future interventions.

It should be noted that 2 additional security guards have been approved at a cost of R500k annually as an interim solution to manage higher volumes of traffic due to building activity and increasing frequency of night patrols. Trustees are investigating inter alia the introduction of turnstiles and residential booms and other potential solutions such as biometrics, pending Trustees approval.

The George Golf Club Gate has been closed for access due to security breaches, and golfing residents have approached the Trustees to review this decision as there are 14 Kingswood golfers actively using the gate to move between golf courses with their golf carts. An interim solution has been agreed to and a final solution with cost implications is being investigated for consideration. We hope to find a solution to serve these golfers without compromising on security and imposing undue costs on other Home-owners.

2. Communication

Changes to improve communication as proposed by Maritza Botha have been well received and will be implemented in the form of informal circulars via a suitable e-mail marketing platform as well as surveys to invite more active and organised Home-owner inputs.

Channels of communication will be clearly indicated on all circulars. Should you identify possible areas for improvement in communication, please feel free to note this in writing directly to Maritza at maritza@taxconsulting.co.za.

We hope the proposed changes result in greater satisfaction with regards to

on a high level. Please practice patience and allow our new Trustees time to come to grips with more complex matters as we gather information and inputs. Please feel free to engage where you feel at liberty to do so and request further information for clarification or express concern should you wish to do so. You can either express your views in the surveys provided, or to lizeb@kingswood.co.za for further consideration.

3. 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.

The current proposed changes have not been accepted by the Home-owner Trustees. Their primary concerns relate to entrenched rights regarding levy contributions and voting rights, user rights and architectural guidelines. The most important consideration at the moment, however, is not whether the changes suggested are competent in law, but whether it is in the interest of Home-owners. The Developer has provided legal opinion on some aspects, but most of what is being proposed remain challenged by the Home-owner Trustees until better alternatives are proposed.

The Home-owner Trustees will be handing their written concerns to the Board of Trustees at the next trustee meeting.

4. Roads Transfer Issues

The Developer has informed Trustees of their intent to lodge a court order to compel the Home-owner Trustees to sign for the transfer of Roads to the HOA. Home-owner Trustees have to date refused to sign for transfer of roads on the basis that it 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 stormwater 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 Trustees disagree with this stance and legal processes will have to take its course to resolve this dispute, unless of course amicable alternatives can be found.

The two unresolved issues considered related by Home-owner 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

b. Stormwater Seal Defects (Rocla SA) & Transfer of Roads to the HOA

Past road damage incidents have indicated the presence of defective seals on the stormwater system which may cause future damages to roads due to stormwater erosion destabilising the soil below the roads. Home-owner Trustees believe a case has been registered in court between ASLA and Rocla SA in relation to this matter. The HOA is not party to these legal proceedings as the roads have not been transferred.

Home-owner Trustees consider the issue of the transfer of ownership of the roads and the repair of storm water defects as inseparable and the resolution of such a precondition to transfer. Should an acceptable solution be proposed to the estimated future liability of R11-million, the Home-owner Trustees would be willing to accept transfer.

Home-owner Trustees submitted a letter to the Developer in reply to his letter of 18th June informing them of his intent to lodge a court application to compel Home-owner Trustees to sign for the acceptance of transfer of roads. We now await their response.

5. Sports Connection Proposal Presentation

Sports connection made a proposal to the Trustees and a request to proceed with a "Town Hall" meeting to present the same to Home-owners for consideration. The presentation entails the future of the golf course and how Sports Connection wishes to engage Home-owners in the future sustainability of the golf course and specifically with regards to a levy contribution towards that goal.

The Sports Connection proposal will be handled in three phases:**a. Legal Review of Sports Connection Sale Agreement**

Taken that the Sales Agreement between the Developer and Sports Connection has been a great point of concern and contention, the Home-owner Trustees have initiated the request that this agreement be taken under independent legal review to isolate clauses that might have impact on Home-owners and which should be taken into consideration in any future plans surrounding the golf course and club house even and associated activities. This request was positively received and it has been agreed that attorneys will be appointed to handle this process and report back to the Home-owner Trustees with feedback.

b. Compile Trustee Concerns and Recommendations & Invite Home-owner Questions and Comments

Once we have the abovementioned legal review in hand, all Trustees will raise concerns, question and recommendations to Sports Connection for their consideration and feedback. Sports Connection will be provided with an opportunity to respond and adjust their proposal accordingly, after which it will be provided to Home-owners to assess in tandem with Trustees comments. Home-owners will then be invited to extend own questions and concerns and Sports Connection be given the opportunity to respond prior to the Town Hall

c. Facilitate Town Hall Meeting to Discuss

Should step one and two succeed, Sports Connection will present their plan and extend an invitation for Home-owners to participate at a Town Hall meeting where further details can be discussed.

6. Kingswood Management Company Agreement

No management agreement currently exists between the HOA and the Kingswood Management Company. A proposed management agreement will be tabled at next Trustee meeting on 14th August 2018. Per the AGM referral and as request by Mias Strauss, management company costs will be evaluated and feedback provided to Home-owners.

7. Sub-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 sub-committees and engage with them for inputs and advisory. It remains the prerogative of the Trustee to consider these inputs for merit and inclusion.

It has been proposed that we invite Home-owner participation in the following areas:

- Security
- Architectural
- Finance
- Social / Community

Should you wish to participate voluntarily in these sub-committees, please indicate your interest, or nominate an individual for participation here:

NOMINATE OR VOLUNTEER

8. Building Controls

Home-owner Trustees have submitted further improvements on enforcement of rules and fines and will keep pushing for satisfactory implementation and compliance.

9. Risk Management

Driving Range:

Trustees have received feedback that the intervention actioned to safeguard the driving range is insufficient to prevent future risk of injury or damage to property or people. Insurance has been suggested and the Home-owner Trustees have noted their concerns in writing and requested Sports Connection to obtain a health and safety compliance report

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10. Cycle Path

Home-owner Trustees have written a notice to the developer to rectify the defacing of the Cycle Path as reported to Dan de Wet on 17 May 2018.

IN CLOSING

We trust that progress on long outstanding issues will henceforth be better facilitated by getting problems clearly defined and working progressively and persistently at their resolution. The next circular will contain responses and corrections of the Developer Trustees if they wish to appeal any views expressed in this writing, and which will allow the Home-owner trustees to respond to same.

Please let us know if you have any questions or comments on this writing by clicking on the feedback button below.

SUBMIT YOUR FEEDBACK

Kind Regards,

Maritza Botha

On behalf of

The Home-owner Trustees

M Botha, M Strauss, A Steenkamp, W Thompson

USEFUL CONTACTS

KINGSWOOD GROUPS

[Kingswood Community Group \(Whatsapp\)](#)

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

[Kingswood Security Issues Group \(Whatsapp\)](#)

ESTATE CONTACTS

Lize Baard

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

lizeb@kingswood.co.za

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security related matters and incidents.

[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

Contact for estate matters related to building sites, security and maintenance.

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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