



Nautilus Bay Coastal Resort

HOME OWNERS ASSOCIATION • HUISEIENAARS VERENIGING

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Nautilus Bay Home Owners Association

Klipfontein 344

District of Mossel Bay

PO Box 567, Mossel Bay, 6500

16 May 2017

Dear Owners and Residents,

COMMUNICATION TO OWNERS AND RESIDENTS – 16 MAY 2017

The Executive Committee ("Committee") would like to provide you with the following updates and information regarding Nautilus Bay.

1. PROPOSED AMENDMENT OF BUILDING RULES

An application to amend our current building rules was prepared and submitted to the Mossel Bay Municipality by Mr Delarey Viljoen of Delplan Consulting Town and Regional Planners. As resolved at our 2016 Annual General Meeting, and as confirmed in our letter dated 20 January 2017 to residents, this application, supported by the requisite compliant documentation, aims to achieve finality on the size of houses in Nautilus Bay *as a priority*. Thereafter certain further proposed amendments, such as environmental considerations, will be effected to our Architectural Guidelines and Environmental Management Plan, in order to ensure that all these respective documents remain compatible and complementary. Mr Viljoen reports that our application is currently being considered by the Municipality and circulated for comments internally, as well as to the Provincial Department of Environmental Affairs and Development Planning.

On 9 May 2017, this Committee was requested by the Municipality to comment on certain written submission made to the Municipality by Mr Willem Le Roux, whose complaints seem *inter alia* focused on the fact that he has not had an opportunity to comment on the application as prepared by Mr Viljoen, and furthermore on his views regarding the availability of adequate municipal services in the development should our application be successful. This Committee furnished the Municipality with our response to Mr Le Roux's submissions on 11 May 2017, and it is hoped that the matter can now take its course unimpeded. We have been informed by Mr Viljoen that a decision from the Municipality can be expected during June 2017.

2. FINALISATION OF BUILDING RULES, ARCHITECTURAL GUIDELINES AND EMP

We wish to thank everyone who commented on the documents circulated earlier for information and comment. We have received many helpful and informative suggestions and where appropriate, these will be included in the final drafts of our documents.

Kindly also note that members of this Committee and our appointed environmental consultant, Mr Andrew West, are in discussions with the Department of Environmental Affairs and Development Planning in order to finalise a Rehabilitation Plan relating to our Association's obligation to remove invasive plant species from our property. It was proposed by the Department, which proposal we accept, that these provisions should also be

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included in our EMP. As communicated in our letter of 20 January 2017, all these documents are to be considered “working documents” which require regular updates from time to time.

Although we are working with our respective consultants and architect on the final drafts of these documents, our main objective, for now, remains the decisive resolution of the application now before the Municipality.

3. SECURITY INITIATIVES

We have been invited to participate in a joint security initiative, the purpose of which is to co-ordinate, where possible, the security protocols of all developments in the Vlees Bay area. Mr Johann van Deventer and Mr Anton van der Westhuizen will attend the inaugural meeting at the end of May 2017 on our behalf.

In this regard, this Committee would appreciate any constructive feedback, suggestions or observations regarding the recent appointment of our new security company, the implementation of procedures and the additional solutions offered by this company to our residents. We would welcome feedback on your experiences in this regard, in order to make any adjustments where required and to ensure that the security in our development remains of the highest standard.

4. FUNCTIONING OF EXECUTIVE COMMITTEE

It has lastly become necessary to reaffirm the manner in which this Committee is lawfully obliged to conduct its work. As a development, Nautilus Bay is relatively unaffected by any serious or demanding concerns (with the exception perhaps of the size of houses now being addressed). As a consequence, the day-to-day management of the development is largely uncomplicated.

It should be noted that this Committee derives its powers from the Constitution of the Nautilus Bay Coastal Reserve, in particular paragraph 4.2 thereof, read with paragraph 6.4, and from any mandate or direction given to it by members at an annual general meeting. The responsibility commensurate with these wide-ranging powers is a fact of which this Committee is acutely cognisant.

In recent months, this Committee has received persistent requests for copies of documents, contracts, reports and decisions. Considered in isolation, these requests appear quite reasonable, but viewed collectively, and emanating from a singular source, these demands come perilously close to undue interference in the functioning of this Committee. On enquiry, these demands are motivated as being necessary ‘to ensure that the rights of all residents are properly protected’. Again, seemingly innocuous, but that, incidentally, is precisely what this Committee is constitutionally obliged to do. What seems to be presumed here, is the assumption of some extra-constitutional oversight authority in deference to whom this Committee must perform its duties and at whose request it is expected to submit its work and decisions for approval and consent. Not only does this notion offend the principles of good corporate governance in general, but the provisions of our own constitution in particular and, perhaps most importantly, the trust placed in this Committee by the residents of this community who unanimously re-elected it for this term. It is necessary to emphasise that the duty of this Committee to account for its actions, work and decisions must not be confused with an obligation to subvert its own constitutional authority on demand.

Here's hoping to see you soon where the dolphins are!

Yours faithfully,

THE EXECUTIVE COMMITTEE
NAUTILUS BAY COASTAL RESERVE

Per: PJ Lötter (Chairman)