



Nautilus Bay Coastal Reserve

HOME OWNERS ASSOCIATION • HUISEIENAARSVERENIGING

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Nautilus Bay Home Owners Association

Portion 1 of Farm Klipfontein, No 344

District of Mossel Bay

PO Box 567, Mossel Bay, 6500

24 August 2017

Dear Owners and Residents,

COMMUNICATION TO OWNERS AND RESIDENTS – 24 AUGUST 2017

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

1. WHAT'S IN A NAME?

Are we a Resort or a Reserve? Some of you may have noticed a small change in our letterhead from previous correspondence. The Committee has recently had reason to consider the question of our correct name, after it was brought to our attention that the records of the Registrar of Deeds in Cape Town (the registration office for our properties) had noted a *caveat* in 2012 against properties in our development, in terms of which the Association's name has apparently changed from Nautilus Bay Coastal Reserve to Nautilus Bay Coastal Resort. It is not clear how the Registrar arrived at this conclusion. No supporting documents are filed with this *caveat* in the deeds office, as is customary conveyancing practise. Conveyancing documents filed on behalf of the Association with the registration of transfers at that time, seem to erroneously connect the 'resort' zoning of a part of our development with the name of the Association. The Registrar apparently interpreted this as a change of name and has subsequently perpetuated this error. The legal effect of this is that all title deeds must reflect the name of the Association as "Resort".

We have consequently perused the minutes of all annual general meetings since 2010 (the year in which the common property in the development was registered in the name of the Nautilus Bay Coastal Reserve). No resolution was adopted to change the name of the Association during or about 2012. This is the only way a name change can legally be effected, because the name is defined in our Constitution and a name change would require a change of the Constitution which, in turn, can only be achieved by a majority decision of at least 75% of members at a general meeting. From this it follows that the adoption of our current Constitution at the 2015 annual general meeting, confirms the name of the Association in paragraph 2.1 as the Home Owners Association of the Nautilus Bay Coastal Reserve. We have made a submission to the Registrar of Deeds to have this *caveat* uplifted and their records amended. Note that the residential part of our development is zoned as a resort zone, and the nature areas as a private nature reserve. Either way, enjoy the view!

2. SECURITY

On Sunday 16 July 2017, we received complaints from two residents regarding the service of our contracted security company. A meeting was held the following day with the company during which these concerns were addressed.

HOME OWNERS ASSOCIATION EXECUTIVE COMMITTEE MEMBERS:

Jaco Lötter (Chairman)	083 600 4903	jaco@tonkinclacey.co.za
René Shear	082 901 2818	ren@iafrica.com
Marius Van Heerden	083 794 0044	mariusbvh@gmail.com
Johann Van Deventer	083 656 6997	johann@8nautilus.co.za
Rudi Van Graan	082 445 3598	karu1@mweb.co.za

ESTATE MANAGER:

Anton van der Westhuizen
083 601 2831
antonvdw57@gmail.com

Office hours: 07h30 to 17h30

Actions following the meeting resulted in three dismissals and a schedule for weekly co-ordination meetings between our estate manager, Anton van der Westhuizen, and the security company. In addition, the company's area manager will conduct regular inspections of their staff at Nautilus Bay and Anton now receives a daily email report of the magnetic control points where the guards patrol in the development.

An efficient security service is our highest priority and we would like to invite residents to report any incident in writing to Anton, or a member of the Committee, with detailed information regarding the date, time, and nature of the incident, for appropriate action.

3. APPLICATION FOR AMENDMENT OF BUILDING RULES

On Tuesday 8 August 2017, members of the Committee met again with municipal officials regarding our application for the amendment of our building rules concerning the sizes of houses in the development. This followed communication from the municipality that they are now formulating their final recommendations for adjudication. Of concern to us was the comments received from the Western Cape Department of Environmental Affairs and Developmental Planning which does not support our application. Their objection is founded in a strict application of the zoning conditions of the development regarding the house sizes, as had been their view all along. Our application seeks a relaxation of these zoning conditions, in terms of Section 15 of the Mossel Bay Municipality By-Law on Municipal Land Use Planning, 2015. We have submitted an appropriate response to the Department's comments, but considering the importance of this application for our community, we believed that it was nevertheless important to also meet with the respective officials and use the opportunity to clarify any uncertainties that they may have had and also to emphasise again the views of the Nautilus Bay residents.

We believe that this was a fruitful and positive discussion although, understandably, the officials could not disclose any particulars of their intended recommendations. The application will now be referred for adjudication to the Tribunal that will sit in September and we remain hopeful that we will have an outcome by the end of the month.

It is nevertheless important to confirm that it is incumbent upon all owners to comply with the provisions of the National Building Regulations and Building Standards Act, 103 of 1977, as well as any of the municipality's by-laws, in respect of buildings and improvements on their properties.

4. REMOVAL OF ALIEN PLANTS

Our appointed contractor has made considerable progress with the removal of alien plant species, particularly in the western nature areas where access to the affected parts is very difficult. In addition, we have prepared a rehabilitation plan in consultation with the Department of Environmental Affairs and Developmental Planning. We are currently conducting rehabilitation work of the cleared areas and for now, no clearing activities are under way. We do believe, however, that this is an ongoing cyclical process which will be necessary for the considerable future. We are pleased that we have established a very good relationship with the Department, who conduct regular inspections of the work, thereby ensuring that our activities in this regard remain compliant with the applicable legislation. We would also like to recognise the efforts of our environmental consultant, Andrew West, as well as Anton van der Westhuizen, who supervises the implementation hereof.

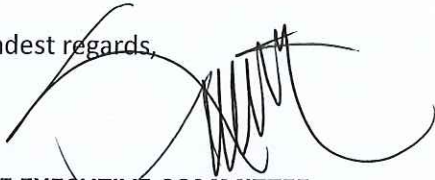
5. ANNUAL GENERAL MEETING

Due to personal commitments of certain Committee members, the 2017 Annual General Meeting will be held during the second week of January 2018, most likely on Friday 12 January. We regret this departure from our customary pre-Christmas meetings, but thought it appropriate to inform members at the earliest opportunity. We will confirm this date as soon as possible to afford members who would like to attend the opportunity to make the necessary arrangements.

6. ON A SAD NOTE

It is with great sadness that we have learnt of the passing of George Sievers. George and Karola have been a part of the Nautilus Bay community for a very long time. Unser tiefstes Mitgefühl und Gebete an Karola, ihre Familie und Freunde von jedem bei Nautilus Bay. Wir wünschen Ihnen Frieden und Trost in dieser schwierigen Zeit.

Kindest regards,

A handwritten signature in black ink, appearing to be 'PJ Lötter', written over a horizontal line.

THE EXECUTIVE COMMITTEE
NAUTILUS BAY COASTAL RESERVE
Per: PJ Lötter (Chairman)

