



Clifton - On - Sea And District Bungalow Owners' Association

(Clifton, Glen Beach & Bakoven)

MINUTES OF THE ANNUAL GENERAL MEETING (AGM) OF CLIFTON-ON-SEA & DISTRICT BUNGALOW OWNERS' ASSOCIATION HELD ON 16 APRIL 2018 AT THE CLIFTON SCOUT HALL AT 18H00

ATTENDANCE/APOLOGIES

- 24 Bungalow Owners
- 11 guests as per the attendance registers

Apologies

- Four written apologies noted
- None received from the floor

1) WELCOME

- NV welcomed all residents as well as guest speakers, Jaco Boshoff from Iziko Museums and Richard Summers from Richard Summers Incorporated.
- NV extended invitation to any members who would like to view court papers to do so after the AGM
- AGM focus is on Heritage and Clifton Maidens Cove Development (CMCD)

2) NOTICE AND QUORUM

- Written notice of more than 14 days (due to holidays) was given to bungalow owners
- previous minutes were circulated.
- As a Constitutional requirement, there were more than fifteen members in attendance and the meeting was duly constituted.

3) ADOPTION OF THE MINUTES FROM PREVIOUS AGM

- Minutes of the previous AGM, held on 13 March 2017, had been distributed by email and also available on BOAs webpage
- The minutes were accepted as a true record:
Proposed: Christo Wiese
Seconded: Soren Elvin-Jensen

4) MATTERS ARISING

No urgent matters arising

5) GUEST SPEAKER:

Jaco Boshoff, Iziko Museums

Guest Speaker Jaco Boshoff introduced by Nele Vermaak. Jaco Boshoff is a Maritime Archaeologist at Iziko, is the co-ordinator of the Slave Wrecks Project and Principal Archaeological Investigator on the Sao Jose shipwreck excavation. The São José was one of the earliest voyages of the trans-Atlantic slave trade from East Africa to the Americas, which continued well into the 19th century.

6) GUEST SPEAKER:

Richard Summers, Richards Summers Inc.

- Richard Summers is the lawyer handling the Clifton Precinct Development Matter.
- Richard reiterated that the bulk of the Clifton Precinct Development is in the Clifton Scenic Reserve.
- Heritage Western Cape (HWC) has the mandate to control all Provincial Heritage sites in the province.
- One of the key contentions when the process started in 2015 if not slightly earlier, was the question of “where was the voice of HWC and to what end did the city actively communicate its intention to dispose of what is not really the city’s land but a public asset”.
- The next step of the process affecting the land and not the court case, is the post tender scenario.
- The developer is under the obligation to obtain all necessary statutory approvals for development.
- There are three separate applications; 1) Planning and Rezoning applications, 2) Environmental Application which is dealt with by the National Environmental Management Act - typically where most of the analysis gets done according to environmental impact and 3) The National Heritage Resources Act.
- Three separate processes that must unfold.
- Highly unlikely that this matter is not going to be opposed, if it is not opposed then we will be in court arguing our case on the 18th of June 2018.
- In the scenario that the matter is opposed (likely) the City is required to file a complete set of records, pertaining to the tender process.
- Once this has been filed the DRA (BRA) has the opportunity to scrutinize the entire gamete of documents generated by the City pertaining to the tender process.
- We will then have an opportunity to supplement our court papers.
- Our court papers have been filed on the basis of the information available to us at the time.
- After we have supplemented the respondents, that would be the developer and various organs of state, we will then have the opportunity to file our answering affidavits which would essentially be contested in the case of being put forward.
- We would more than likely be set for court towards the end of the year.

- **Billy Gundelfinger** reported thus far the litigation fees have been R750,000.
- Of that the BOA has contributed R250,000, Billy has personally contributed R150,000 and that fundraising would be done in order to settle the balance outstanding
- BOA would require a war chest for unexpected costs incurred relating to the perusal of the records and the affidavits of the seven respondents.
- The respondents that have been cited: City of Cape Town, Chair Person of the Property Adjudication Committee, HWC, SA Heritage Resources, National Minister of Environmental

affairs, SANP and the company that is owned by Vunani Capital, CEO Ethan Dube and another company owned by Tobi Mynard.

- All would have different representation, lawyers would have to peruse all sets of affidavits and may want to supplement the papers.
- First step our attorneys made was an application to PAIA to find out what documentation was submitted and who tendered.
- BG advised has not received all of the documentation so has put in an appeal to PAIA to obtain the outstanding papers
- Viewing of court application will be available on our website.

7) CHAIRPERSONS REPORT – NELE VERMAAK

- Listening to the content it seems the heritage is under siege
- Role of city as custodian is questionable especially from an international person's view
- Thank you to committee members for their time, and to Bungalow Owners for their input
- BOA don't fight the city; we engage and debate civic issues like sewerage, infrastructure and maintenance requirements
- We also cast our eye over event permits especially what is held at The Bungalow & Oval
- Building regulations, e.g. preservation of the churches outer look which is reaching its centenary
- Huge thank you to newest member Billy Gundelfinger for joining forces
- BOA has achieved a lot this year despite most of our efforts going to the CMCD
- We fought the grotesque mast on the scout hall, Upgraded Clifton and Glen Beach pathways
- As seen in our aide memoir we would welcome any support in our management committee
- Once a month every first Monday of the month
- Thank you for another good year together

No questions from the floor

8) TREASURERS REPORT – WARREN CHAPMAN

- BOA assets are all in cash and are approximately R680k
- Has not been the case historically
- Last three years the costs have run fairly tight
- Have been without a secretary, which was a saving
- BOA have set aside funds for the CMCD and we will continue to set aside funds
- Will be requesting funding from Bungalow Owners and community
- Subscriptions are small relative to costs of owning a bungalow and their rates and taxes
- Get value for the subscription
- A lot of work done by committee
- Almost no money spent doing it
- Encourage you to contribute
- Running at about 60% of participation, maybe because we could improve communication with members
- Proposed subscriptions 10% increase, hopefully no objections
- Spent R80k with Edward Nathan Sonnenberg this year and have set aside R300k thereabouts from current funding for the CMCD

No questions from the floor

9) REVISED BOA CONSTITUTION

- Duly given notice with 14 days that we would like to amend constitution in two paragraphs
- The addition of the words all special general after the words annual general in line two under voting, don't know if you have seen the constitution
- Addition of words relating to proxies; that such proxies should only be in favour of the member who shall be in attendance at such a meeting
- Proxy must be filed with BOA secretary prior to such a meeting, circulated with agenda in email

Approved: Alan Berelowitz

Proposed Paul Hancock

10) NOMINATION & ELECTION OF OFFICE BEARERS

- Have checked with everyone on the committee that we are happy to stand again for another year
- Best if they are proposed and seconded by the constituency
- Existing member Jason Kampel; Proposer: John Secunder: Paul
- Warren Chapman; Proposer: Soren Secunder: Paul
- Steve Gordon; Proposer: Nick Secunder: Mitch Brown
- Paul Hancock; Proposer: Paul Secunder: Billy
- Nele Vermaak; Proposer: Ellie Secunder: Alan
- Billy Gundelfinger; Proposer: Dusty Secunder: Soren
- Paddy Walker; Proposer: Paul Secunder: Christo

11) MATTERS ARISING

Garages

- Until such time as we hear from the City; continue paying former amounts and not new amount requested
- BOA will not be sending out any invoices pertaining to garage rentals

Meeting closed at 19h08