

Association Times

Issue 46, April 2016



Aspen Nature Estate showcased on page 2

Contents

From the editor's desk	1
Aspen Nature Estate showcased	2
2016 Conference, Expo & Golf Day	3
Important industry meeting	4
HOA contractual arrangement with members	6
Why is water becoming a big deal in residential communities?	7
Estate agents 'accreditation'	8
Innovative multi-use track fun	8
Back to basics in the garden	9
Westlake sports & fun day	10
Director induction programme	10
Our valued business partners	11

From the editor's desk

2016 is flying by with Autumn here and in some provinces 'Winter' already being felt in the air! The Easter Bunny has come and gone and as we get back on the 'straight and narrow' after all the extra chocolate, we are reminded about the recent 2016 budget announcement of the planned introduction of a tax on sugar-sweetened beverages in 2017 in an attempt to reduce excessive sugar intake and help get South Africans in shape. It is alarming to note that we are considered the most obese people in sub-Saharan Africa, with over half of the country's adults either overweight or obese! With that in mind, I'm sure our resolve to cut out the sugar will be strengthened.

The Annual ARC/CAISA Conference which again promises to be a great success is taking place on 28th and 29th July 2016 at Midstream Estates. We have secured a range of inspirational speakers and professional industry-related workshop facilitators who will help us to grow and professionalise our industry. You will find full details on page 2 of this newsletter. Please don't forget to book as there is limited space still available! An extremely exciting addition this year is the launch of the ARC Expo for the industry – find out more about this event on page 3 of this newsletter and visit www.arcexpo.co.za

Our Annual Golf Day for members is taking place on 27th July together with a Golf Clinic for non-golfers, where we say 'thank you' to you for your support through the year!

The first round of regional chapter meetings, addressing a range of local and national challenges facing our communities, has been completed around the country. Please make sure you are up to date on all these issues, by reviewing the documents on the ARC portal under 'Library'. You will find the dates for future meetings on the ARC portal 'Events Calendar'. Please always confirm your attendance with sandy@hoasupport.co.za to arrange for access and to confirm numbers for catering purposes.

A very warm welcome to the following communities, who are now ARC members; Blythedale, Wakenshaw, High Riding, Greenways, Intaba Ridge, Mount Verde, Dune Ridge, Lakewood, Gateside Manor, Harbour Town, Mabalingwe, Ngwenya River Estate, Palm Lakes and Percipient Property Management.

We also welcome our new Business Partners who we have partnered with to provide tailored solutions to our members; CellC, BSafe, Pentagon and InTouch24/7.

Please also see the full list of our residential community industry business partners on page 11 of this newsletter.

Aspen Nature Estate

Introducing an address that offers it all... a coveted Urban Oasis for those who can... Redefining residential living, and nestled in the historic hills and dales of the Klipriviersberg, is *Aspen Nature Estate*—where one can experience easy Urban Living in unspoilt surrounds.

Speaking of spoilt, *Aspen Nature Estate* prides itself on being an echelon above the rest; and has crafted affluence into an affordable and accessible entity. Offering timeless design, teamed with tranquillity; our esteemed Architects are able to construct your dream home, within the constraints of your budget, whilst maintaining the community aesthetic of the Estate. Although *Aspen Nature Estate* celebrates a sense of community with various events to bring the community together, the Estate itself is set a world apart. Residents can enjoy the illusion of living outside the parameters of the City, but a mere stone's throw from the CBD. Spoilt for choice with an array of shopping and dining amenities; you'll never want to leave this premier piece of Urban Paradise, and you will never need to.

With convenience of this calibre, you and your loved ones will be able to redefine the role that recreation plays in your life; enjoying an unparalleled holistic offering of the elements of Earth, Air, Water and Fire; with Parks, Soccer Fields, Walking trails, Mountain Bike Trails, Lakes and Braai Facilities, in this Environmentally-Friendly Establishment. Our birdlife is spectacular with numerous water and Highveld species to be seen. Adults and children alike can relish in the endless offerings of the Estate, whilst the potential to create numerous exciting new recreational facilities is limitless. Projects are constantly under way to improve and enhance the lifestyle our Residents already thrive upon.

A strong sense of community prevails in Aspen where regular events for the whole family are organized. The highlight of which is our Halloween function when our homes are transformed into movie sets and children get all dressed up in an endeavour to win the best dressed prizes.

Popular and prestigious, *Aspen Nature Estate* meets the need that proves paramount to many *South Africans*, by boasting a highly sought-after offering of safety; coupled with cutting-edge technology and state-of-the-art security, that make living in this secure Urban Retreat a peaceful pleasure. Dimension Property Group and Estate Management, have taken the initiative to remain at the forefront of Technology; continually improving and upgrading the systems used throughout the Estate.

We are at the forefront of urban green living having introduced a number of environmentally friendly initiatives such as bat hotels, owl boxes, and owl release programme. This is complemented by indigenous landscaping, refuse separation and recycling, treating the water in our lakes with super activated effective micro-organisms (which we brew onsite), LED lighting in homes, gas cooking hobs, solar geysers or heat pumps, Aspen has also been selected as the pilot site for the City of Johannesburg's load limiting project aimed at reducing load shedding.

For laidback living nestled in the lap of Luxury - **Aspen is the place to live.**



2016 Annual Conference, Expo and Golf Day



This year's Annual Conference will be combined with the first ARC Expo, 'the biggest ever coming together of residential community industry stakeholders in South Africa'.

Not only will this event showcase the industry, including many of our member estates and service providers, but will provide the ideal opportunity for all stakeholders to debate and deliberate the many challenges facing us.

The EXPO will not only provide information and education on industry related matters, but will include fun-filled activities that will showcase what estate living is all about. For more information, visit www.arcepo.co.za

Wednesday 27th July Golf Day and Clinic at Centurion Golf Estate:

To say 'thank-you' to our valued members, you are invited to book for two representatives per member estate to play in the ARC Annual Golf Day for which there is no charge. For non-golfers there will be a Golf Clinic this year, so that everyone can join in. Space is limited for both events so book soon to avoid disappointment.

11h00 to 17h00 ARC Annual Golf Day and 14h00 to 17h00 Golf Clinic. Followed by dinner and prize giving

The events on the next 3 days all take place at Midstream Estates, Midrand

Thursday 28th July:

Registration take place from 07h30 and the conference will be opened by Jeff Gilmour at 08h30 followed by the key note address 'Leading the charge' **presented by Femi Adebajji** who focuses on empowering management-level employees to excel in their leadership roles and evolve to become high-performance, influential leaders.

From 9h45 presentations covering key industry imperatives will take place:

1. Communications - A community management imperative
2. Governance, best practices and National Standards - Kelly Richardson, President Community Association Institute (USA)
3. Residential Communities NOT Gated Estates - Industry statistics and survey results - Jeff Gilmour President ARC

From 13h00 to 16h00 conference goers will attend one of the following workshops:

Workshop 1: Understanding our members and adjusting our behaviour to suit their different styles. Why Chameleons change their colour? Recognising the differences in people allows us a better understanding of them. This programme shows us how to recognise and group people into one of four "styles", how to identify our own style and how to behave towards each of the styles.
Workshop facilitated by Dr Brian Jude

Workshop 2: Understanding our security risks and finding solutions in technology, intelligence and systems. Developing a security and risk strategy for your community - this interactive workshop will cover security principles and theories, developing a Security Plan and managing the security solution, as well provide examples of security planning and design. **Workshop facilitated by Rob Anderson**

At 16h00 the ARC Chapter Leaders will be involved in debates and panel discussions facilitated by Johan Kruger and Jeff Gilmour and the RCC Annual General meeting will take place at 17h00. The Gala Dinner with entertainment will start at 19h00 at The Royal Elephant Hotel & Conference Centre, close to Midstream Estates and where special accommodation rates have been secured.



Friday 29th July

At 8h00 the EXPO will be officially opened followed at 08h30 by the key note address 'The power of the pride' **presented by Ian Thomas** who gives a riveting and informative account of how lions, the only cats that hunt in teams, can be compared with how businesses operate as teams.

From 9h30 to 11h30 attendees choose one of the following workshops:

Workshop 3: Marketing your community internally and externally, branding and funding

Workshop 4: Sustainable resource utilization strategies for water and energy. Overview of water-related risk in SA in respect of quantity, quality and health, and what this means for risk-mitigation strategies for individual estates.

Workshop facilitated by Anthony Turton

At 11h30 delegates will have brunch followed by the conference closure. The CAISA AGM will take place at 12h30 and the EXPO Tour will start at 13h30.

A range of exciting activities are planned for the rest of the day, focused directly on residential community management, directors, trustees and interested residents living within residential communities. So don't rush away!

Activities will include:

- HOA Challenge Fire-Cooking Competition.
- Visit and engage with best of breed service providers covering all aspects of community living as well as ARC business partners who currently serve the industry.
- Various special promotions will be available to all visitors.
- There will also be a range of discussions, presentations and debates that impact on all residential community stakeholders taking place.
- This day is also open to students and job seekers wishing to embark on a career in the residential community industry

Saturday 30th July - Expo and Family Fun Day:

Today is Open Day to the Public. For families living in a residential community or those who wish to find out more about community living, this event is a must.

A variety of activities are planned so that all will enjoy a FUN DAY out! Activities include:

- Children's Entrepreneurial Sales Market
- Surprise visit from Santa in July for our children
- and much more...



Turn to page 5 for ARC Expo advertisement and further details.

Important industry meeting

With the new Community Schemes Ombudsman Service Act (CSOSA) coming into effect, we feel it necessary to hold an industry briefing to discuss this and the implications on our members. Members of the EXCO of the Residential Community Council (RCC) will be in attendance as will the attorneys who assist ARC and the RCC.

As you know ARC and the RCC made a submission on the Act, as did many of our members. We have also conducted many meetings with the Ombudsman and the Department of Human Settlements, where certain commitments were made by them relating to these submissions.

We need to update all our members and ask for guidance on the way forward in our deliberations with the Ombudsman and we therefore request that Board Directors, Trustees and Estate Management attend this meeting.

Should you need any further information in the meantime, please call Jeff on 083 444 4176 or email jeff@hoasupport.co.za

A big thank-you to Serengeti for kindly hosting this industry meeting.

Wednesday, 20th April 2016, 16h00 to 18h00

Serengeti Golf & Wildlife Estate, Kempton Park

RSVP to sandy@hoasupport.co.za by 8th April 2016 to attend the meeting or the Skype sessions around the country.

THE BIGGEST COMING TOGETHER OF RESIDENTIAL COMMUNITY INDUSTRY STAKEHOLDERS.

27-30 JULY 2016
MIDSTREAM ESTATES



27 JULY 2016
ARC Member's Golf Day
ARC's 4th Annual Golf Day



28 JULY & 29 JULY 2016
ARC's 4th Annual Conference



29 JULY 2016
Residential Community
Management Day



30 JULY 2016
Expo and Family Fun Day

If you live in a residential estate or would like to live in one you need to visit this expo.

If you are a director, a trustee or a developer of a residential estate you need to attend this expo and conference.

If you manage a residential estate you need to attend this expo and conference.

If you are a managing agent managing sectional title schemes you need to attend this expo and conference.



Visit our website:
www.arcexpo.co.za

Call us:
083 286 5939
086 146 2463

Email us:
info@hoasupport.co.za
expo@hoasupport.co.za



ARCEXPO
bringing communities together

For more industry related information, visit www.hoasupport.co.za.



ESTATE LIVING

GLOVENT
SOLUTIONS

Telkom

HOA contractual arrangement with members: Rules and Regulations

Much has been reported on the rights of an HOA to determine rules for the community, rights given to us by our Memorandum of Incorporation (MOI)/Constitution, where members often question whether we have these rights, and whether a specific rule is fair.

Certain rules attract more debate than others where it is suggested that the HOA is acting outside of its mandate by enforcing rules that form part of other pieces of legislation such as the Road Traffic Act. More often than not, when a breach is reported and a penalty imposed the matter is concluded effectively, but in some cases members are prepared to seek legal intervention and are prepared to go to court on a matter.

Recent judgements demonstrate the rights of an HOA, as reported in the following:

In a judgment entrenching the rights of homeowner associations on estates to make and enforce laws for good community living, Durban High Court Acting Judge Ian Topping ruled that a member had "contractually bound himself to live within a controlled environment" and the specific rules he complained about were lawful.



The judge ruled that the rules were "private ones" and when looking at the objective of the lower speed limit - taking into consideration children, pedestrians and animals - they were not unreasonable. (The member claimed that the Road Traffic Act enforced 60km as the speed limit for a public road, and the estate rule stated a 40km speed limit).

In the members' other challenge to the rule restricting the use of contractors to only those approved by the association, the member said this was a "closed list" which was dictatorial and anticompetitive. The judge said, however, that seen in the context of the association seeking to ensure an agreed standard of construction and landscaping, it was not unreasonable to ensure that those doing the work were competent.

"I see no reason why there cannot be a list of accredited service providers. The rules do not provide for a closed list and the association says when an owner wishes to use a contractor not already on the list, he can apply and as long as the contractor is suitable, accreditation will be granted."

Similarly, rules for domestic workers, which dictated accreditation, hours of work, and a rule stating that they must use the bus transport provided by the association, "merely prescribe a set of procedures to ensure an orderly ingress and egress" of a very large volume of people working at the 890 homes on the estate.

In general, he said, while the rules "might irk one's individual sense of propriety and fairness because of their restrictive and regimented nature, they cannot be said to be contrary to public policy".

"They are there to regulate conduct between neighbours and, as necessity, must be restrictive to take into account the cumulative rights of use and enjoyment of the estate by all its residents."

So while the member may feel aggrieved by the imposition of the rule it is important to remember that:

1. All rules are set to serve the best interests of the community and not designed to punish any particular member
2. Rules are set in terms of the MOI and form part of the contractual arrangement between the HOA and all members. Membership of the HOA is compulsory and included in the title deeds of the property
3. Rules attract penalties for breaches of these rules and these penalties are accounted for at all meetings of the members in the financial reports

However, it is equally important that the enforcement of all rules is managed and properly governed and that all rules are approved at all general meetings of the members



Why is water becoming a big deal in residential communities?

Water has been taken for granted, but things are changing fast. As infrastructure failure has accelerated, the Eskom crisis became acute. But not far behind that has been the water crisis, now exacerbated by the largest El Nino drought event in recorded history.

In KZN, an area hard hit by drought, we are starting to get an indication of the way the state is responding. In the small district municipality of Ugu, centred roughly on Port Shepstone, the response has been harsh. In effect the state is shifting its responsibility for assurance of supply onto Bodies Corporate, Home Owners Associations, and others.

What is assurance of supply (AOS):

In the case of energy, it is the guarantee of supply at any given moment in time and space. In the case of water, it is about six key elements: the guarantee of a given volume, at a given pressure, of a given quality, at a defined price, supplied at a specific time and place. The government has traditionally provided AOS, but the accelerated rate of infrastructure collapse, exacerbated by the deteriorating capacity to provide basic services, has changed this central assumption. From now on AOS in energy will be in the form of a standby generator, or greener options like going off the grid with wind or solar. In the water space, it will be in the form of an uninterrupted water supply system (UWSS).

Just as an uninterrupted power supply (UPS) provides safe backup for computers, so too will a UWSS provide safe backup for all water users, specifically in areas that cannot be without reliable supply for whatever reason (schools, hospitals, retail malls, hotels etc.). These units will be very sophisticated, capable of storing enough water to carry an entire community through a crisis period. They will also be capable of processing water of an increasingly deteriorating quality, making it safe, wholesome and reliable. This will be done

seamlessly, using cutting edge technologies sourced from leading global suppliers, but assembled and supported locally.

A growing risk is the contamination of rivers and dams by dysfunctional sewage works at municipal level. The effect of this is increasingly being seen as an overload of the potable water supply systems, never designed to process sewage effluent into safe drinking water. Central to this is the growing risk of toxicity from blue green algae. At present 63% of SA's bulk water storage in large dams and rivers is contaminated. No bulk water treatment plant is currently designed to remove these toxins, so this technology will be made available in the UWSS units soon to be introduced to the market.

Residential estates give a certain quality of life. One of the advantages of this is the capacity of such communities to self-organize and provide solutions that are beneficial to all residents in a cost effective manner.

GuruManzi (Pty) Ltd is very active in the development of these technologies and is working with a range of reliable service providers to support the needs of residential estate communities and their respective Homeowners Associations.

By Anthony Turton.

<http://www.anthonyturton.com/>

For further details, please contact:

John Allen at 082 559 0198 or johnal@me.com



Estate agent 'accreditation'

Over the past few months we have received many queries from members where Estate Agents are still challenging our rights in this regard. The latest practice note is very clear on the following

1. The term "accreditation" is a problem and any HOA is fully entitled to insist that Agents register themselves, pay a fee that is fair, reasonable and equitable, and agree to all rules and regulations set by the HOA
2. The HOA should not limit the number of registered Agents and if in possession of an EAAB certificate they must be allowed to register
3. The HOA should not force any member to use an agent that is registered and if they wish to use an agent that is not registered, the agent then merely need to become registered.

This practice in our view is not unlawful, and the EAAB and IEASA has no jurisdiction over any HOA. Any agent who claims that there is a pending judgement against an HOA needs to provide evidence of this and in any event if there were any pending action, this would be strongly challenged. We suggest that should you be faced with any unsubstantiated claims you contact Jeff Gilmour at jeff@hoasupport.co.za where I can give them clarity on the matter. Alternatively, you can refer them to the EAAB practice note which you will find on the ARC portal.

Innovative multi-use track fun

Playscapes has partnered with SAPumptrax to supply customers with exciting and innovative bike and skateboard pump tracks. SAPumptrax is South Africa's leader in crossover/multi use pump track design and construction.

Founder and visionary of SAPumptrax, Eben Combrinck, brings over 30 years of crossover board riding experience to the table. He has been awarded SA skate champ on several occasions, and has the perfect mix of passion and skill to design a unique and functional track that suits both your environment and population base.

The benefits of building a multi-use track include the following:

- Improves balance, coordination and flexibility
- Develops muscle strength, endurance and cardio-fitness. Offers a full body workout
- Increases concentration, focus, perseverance & self esteem
- Develops life skills such as independence, positive attitude, responsibility and respect for self and others
- Uses the vestibular, tactile and proprioceptive senses to support both emotional regulation and motor skill
- Calorie Burning: Depending on the intensity of the ride, the average person will burn between 150-500 calories per hour
- FUN for the whole family!

There are various 'Pump Tracks' available depending on space and budget. Contact Nick Leitch from Playscapes nick@famousfunfactory.com to find the right solution for your residential community and let the fun begin!



Back to basics in the garden



Sustainability and simple living are both becoming a way of life. With water restrictions in place in many parts of South Africa, there is no doubt any longer that simple, easy to maintain gardens are the way forward.

There are many things that take your garden away from the simple requirements of beauty, tranquillity and enjoyment. Water-hogging lawns, dense flower gardens that take a lot of time, effort and fertiliser to look good throughout the year, expensive alien plants that do not adapt to our climates – even over-packed gardens that are unable to thrive for want of space. Some of the ways that you can get your outdoor space down to the bare essentials include the following:

- Plant water-wise plants that are native to South Africa and better equipped to handle our climate and soil conditions.
- Consider natural swimming pools as an eco-friendly alternative to chlorine swimming pools.
- Choose fuss-free plants that require less maintenance as the seasons change.
- Invest in professional landscaping design to help you make the most of available space.
- Consider gravel or environmentally friendly grass as an alternative to thirsty lawns.

Container gardens may not be a new concept. But, as the demand for space savvy garden solutions continues to rise, containers are a logical option that is increasingly popular in residential and commercial gardens. What makes container gardens an ideal choice for 2016 is their convenience, flexibility and sustainability. By using the limited space you have, more effectively, you have the chance to grow an abundance of plants – both edible and otherwise – in even the smallest of areas.

Top trends and ideas for container gardens include:

1. **Fruit and vegetables.** Growing your own fruit and vegetables is not only the best way to ensure 100% organic produce; it is also a great way to create sustainable, moveable food gardens that can be used in residential, commercial and community environments. Fresh herbs also grow well in containers.
2. **Living walls.** Natural, growing dividers and walls can be made using troughs, trellis' and climbing plants such as ivy, wisteria, clematis, star jasmine and other vines and climbers. These provide privacy on balconies and in small gardens, and can be moved easily in their troughs.
3. **Hanging gardens.** The concept of containers does not always have to be limited to pots sitting on the ground. Hanging planters are a space saving solution for those who want plenty of greenery, but lack floor or surface space. Herbs, climbers and numerous plants can be used in hanging baskets and planters.
4. **Focal plants.** Adding a plant or two in key areas, such as entrances, doorways or sitting areas is an effective way to add focal greenery even in areas that are completely covered by concrete or brick. Ornamental fruit trees and similar plants are particularly good for this purpose.
5. **Defined space.** Define certain parts of your garden with grouped containers of flowering or leafy plants. Elevate walkways or awkward, unused parts of the garden with well-chosen plants in containers of varying sizes. Create designated edible and non-edible gardens in large containers.

Visit us online at www.fsgroup.co.za or call us on 011 763 2925

Westlake sports and fun day

Over 800 homeowners attended and participated in the various fun activities hosted by Westlake Country and Safari Estate, Hartbeespoort Dam, which took place on Saturday 2nd April.

The day also saw the inaugural inter-estate sports challenge taking place in four sports; with 8 golf teams, 9 volley-ball teams, 8 tennis doubles teams and 6 squash singles, from estates in the Harties area participating.

The event attracted 10 competitors in the 'potjiekos' competition which was judged by Tommy Dickson (Vaaitjie from the TV show "Toks & Tjops"). Four artists provided the entertainment including Westlake's own band 'Reward Show Band' and Steward Irving from the South African Band Ballyhoo (from years ago). There were also 6 competitors who entered the talent show and the top three are going through to the 'Harties' Got talent' competition.

Other activities included game drives and equestrian activities plus there were various exhibitors and a beer garden run by a local restaurant 'Plaas se Gat'

A fun-filled day was had by all and ARC was there too, to offer support. Well done to the Westlake Team on organising a great event! See you all again next year!



Director induction programme

So, you are now a Director of the HOA! Where do you start? What should you be doing? What can you do? ... these are just some of the questions you may have.

Don't miss this invaluable, practical and succinct workshop aimed at new and existing board members who wish to ensure the role they play has a positive impact on the residential community that they serve.

The workshop covers:

1. The HOA - legal framework
2. The Board - roles and responsibilities
3. Each Director - fiduciary responsibilities
4. The Estate Manager - delegated lines of authority
5. Impacting legislation
6. The AGM, EGM, resident meetings, board meetings & sub-committee meetings
7. The nuts and bolts of being a board member

The workshop is facilitated by Jeff Gilmour, President of ARC, who has over 20 years' in-depth experience in effective residential estate management and leadership.

The cost per person is R980 (plus VAT) for ARC members and R1500 (plus VAT) for non-members. There is a 10% discount for other delegates from the same estate. Let us know if you are interested in attending this workshop and we will schedule a workshop near you or speak to us about running an in-house programme for your estate.

Our Valued Business Partners

Who help to support and grow the industry and to keep our membership fees low. Please visit hoasupportco.za to find out more about the services they offer our members in the residential community industry and to get their contact details.

		
		
		
		
		
		
		
		
		