

Waenhuiskrans Arniston Ratepayers Association Waenhuiskrans Arniston Belastingbetalersvereniging

Notule van 2015 Jaarvergadering op 28 Desember 2015 at 09h30 in Munus-saal,
Waenhuiskrans

Minutes of 2015 AGM held on 28 December 2015 at 09h30 at Munus Hall, Arniston

1. Welcome

Murray van Heerden welcomed the ratepayers and thanked them for their support.

2. Apologies

Mike Davy, Christine Craven, Adrian Penny, Bev Bird and Peter Siebert.

3. Chairman's Report

3.1 The Chairman, Murray van Heerden, tabled the Chairman's annual report.

4. Financial Report

4.1 The financial report was tabled.

4.2 Proposer: Andre Steytler, Seconder: Mike Pitt.

5. Minutes from the AGM held on 30 December 2014

5.1 The minutes from the AGM held on 30 December 2014 were tabled.

5.2 Proposer: Peter Gird, Seconder: Jasper Flock.

6. Matters arising from the Previous Minutes and the Reports

6.1 Chairman's Report

6.1.1 Robert Haarbuerger queried the second paragraph on page 5 and asked the Chairman to explain what unlawful means to which the Chairman responded that unlawful means a proper procedure was not followed.

6.1.2 Robert Haarbuerger further queried how it was unlawful. The Chairman explained that it did not comply with the Municipal Finance Management Act and various other aspects and that there was non-compliance with procedures the Municipality was obliged to follow.

6.1.3 Robert Haarbuerger referred to the last paragraph on page 5 and requested clarity regarding the personal attacks on Murray van Heerden and Colin Bird. The Chairman explained that this was not relevant to the meeting and that "the unwarranted and unnecessary attacks" against the Chairman and Colin Bird would be dealt with if and when necessary.

6.1.4 Robert Haarbuerger queried what these attacks were and the Chairman explained that these were personal attacks against the Chairman and Colin Bird.

6.1.5 Robert Haarbuerger stated that one of the issues is that in the 2008 litigation the Chairman acted pro bono. The Chairman explained that he acted pro bono in the litigation unless they were successful. The Chairman stated further that he did not receive a cent from that litigation and that he does not want to and will not be receiving any money in future.

6.1.6 Neil Giliomee requested that individuals stand up when speaking so that the individual can be heard.

6.1.7 Peter Gird stated that this show takes place every year and that it is a waste of time. He stated further that we cannot solve erf 599 in this room and that we must proceed with the litigation and stop all of this banter.

6.1.8 Robert Haarbuerger requested the Chairman to repeat for the record that he did not receive a cent from the litigation. The Chairman stated that he personally has not received any funds due to him for fees in respect of WARA and that any fees which were payable to him were donated to WARA and that they could keep any such funds.

6.1.9 Robert Haarbuerger requested clarification that the Chairman did not receive any funds from the WARA litigation. The Chairman stated that there may have been funds received in respect of the litigation towards his fees but that he did not receive any funds personally.

- 6.1.10 Mrs Haarburger stated that the individuals in the hall were a bunch of crooks and that they should get over it.
- 6.1.11 Robert Haarburger referred to the fact that the members came out over-whelmingly in favour of the litigation and made donations towards the litigation. Robert Haarburger questioned the amount received in donations and how much of it has been spent on litigation to date. The Chairman stated that we are in litigation with Robert Haarburger and that it would not be in the best interests to disclose this.
- 6.1.12 Robert Haarburger questioned what would happen if an adverse costs order is received against the Association. The Chairman stated that it would not be paid as the Association would not be able to pay and the Association would continue as is.
- 6.1.13 Keith Higgins requested clarity in whether the Association would be exonerated and questioned if he requested how much had been donated to date if this would be provided to him. The Chairman explained that in the previous litigation, outside environmental organisations contributed to the funding of the litigation.
- 6.1.14 Keith Higgins stated that in the minutes reference is made to the establishment of a sub-committee to try and compromise in order to reach a settlement. Keith Higgins requested to know how much more money and how many more years we would have sight of the derelict building standing on erf 599. Keith Higgins stated that in his opinion it seems like a personal vendetta which is camouflaged by litigation and the benefits the community would receive are now long gone. The Chairman stated that his personal view about the erf is that the building there is unsightly and it is over-bulked. The Chairman stated further that the building can remain, but that it needs to be adapted. The Chairman further stated that he is not against the development as stated by Robert Haarburger and that he personally accepts that there will be a commercial development on that property and the Chairman re-iterated that he is not against this provided that it fits in with the character of Arniston.
- 6.1.15 Henry du Plessis questioned what is being done to try and achieve a settlement. The Chairman stated that we were sorely let down by the Municipality in that the Municipality created the impression that there would be a public participation process. The Chairman stated that WARA heard about the settlement on 27 October 2015 and accordingly wrote to the Municipality requesting them to refrain from proceeding as WARA wished to challenge the settlement. WARA then ascertained from Australia that the property was up for auction. The Chairman stated that he is strongly confident that we will win the litigation and then hopefully WARA can re-negotiate with the Municipality. The Chairman stated further that he had attempted to meet with the Municipal Manager, but that he was on leave until 19 January 2016.
- 6.1.16 Keith Higgins questioned that irrespective of the outcome of the litigation, what would the worst case scenario for whoever buys it be as there is word that a Chinese consortium wants to buy it. The Chairman stated that WARA are trying to negotiate with the Municipality so that they will put the property out to tender subject to the condition that the zoning is pulled back but not with too many conditions that it is not a profitable business. The Chairman stated that WARA accepts that there will be a building there and that it won't be one storey.
- 6.1.17 Gavin Hau questioned if there is some form of sculdugery in the Municipality that they won't communicate with WARA. The Chairman stated that he believed that we have created enough of an atmosphere that there is sculdugery in the Municipality. The Municipality just wants an easy solution and in this regard they do not insist on their legal rights. They appear to want to finalise the litigation with Robert Haarburger as quickly as possible and without due regard to their rights.
- 6.1.18 Robert Haarburger questioned the process if WARA is successful in the review application. The Chairman explained that there are two decisions WARA is setting aside – firstly, the settlement that was made with Robert Haarburger and secondly, the rezoning decision. If the rezoning decision is set aside then the Municipality will have to apply to rezone which will hopefully be to the benefit of all.

- 6.1.19 Robert Haarburger questioned if the court finds that there are some syntax errors in the application then they will just do it again. The Chairman explained that WARA are saying that the Municipality didn't have regard to the true reflections of the community.
- 6.1.20 Robert Haarburger stated that the notice given to WARA only listed the objectors, but that there was another side of the coin where people supported the rezoning decision. Robert Haarburger stated further that the community are silent when it comes to objections, but as far as he is concerned, this exercise is a complete waste of time as the Municipality will just do the same thing again even if the Application is successful. The Chairman questioned as to why the Municipality won't consult with the community. Robert Haarburger questioned the Chairman as to why WARA won't address the community and explain what WARA is trying to achieve.

7. New Committee

- 7.1 Murray van Heerden, Casey Hofmeyr, Rod Lloyd and Peter Hofmeyr retired and were reinstated.
- 7.2 Proposer: Ian McIntosh, Seconder: Peter Gird.
- 7.3 The WARA Committee is Peter Hofmeyr, Murray van Heerden, Casey Hofmeyr, Sam Lawrence, Rovina Europa, Rod Lloyd, Trish Robertson and Christine Craven.
- 7.4 A Chairman is nominated at the committee's first meeting.

8. New Matters

- 8.1 Amendment of the Constitution to remove the requirement of an audit of the annual financial statements
- 8.1.1 The Chairman explained that we managed to obtain a reasonably priced audit, but that we do not have the funds to continue this way.
- 8.1.2 Proposer: Gavin Hau, Seconder: Neil Giliomee.
- 8.1.3 Keith Higgins noted an objection. The Chairman queried this and questioned the reason Keith Higgins requires an audit and questioned Keith Higgins further in whether he thinks WARA are going to conceal issues. Mrs Haarburger responded yes and that everything has to be audited.
- 8.1.4 The amendment was put to a vote in terms of the Constitution, the entire hall voted in favour of the amendment being 73 individuals except for 3 individuals who objected being Robert Haarburger, Keith Higgins and Bruce Handley.
- 8.1.5 The constitution was accordingly amended.
- 8.2 Crime
- 8.2.1 Danie van der Westhuizen addressed the hall and stated that if people do not make a case then there is no record of the incident. Often you cannot see the perpetrators face on camera and then there is very little for the police to go on. Danie van der Westhuizen suggested street lights and cameras as well as specialists like Millennium Management and Mountain Men. The Chairman stated that WARA has met with Millennium Management and that they ask for a lot of money, but don't explain what they will be doing as it is a secret. The Chairman stated that he has spoken to someone else, Brian King, who is a specialist consultant in Johannesburg who will put together a report which the Chairman has not yet received.
- 8.2.2 Mike Dichmont stated that if we entertain any proposal, we should request a timeframe by when the crime will be cleaned up. The Chairman stated that his understanding is that they come in and clean up and then they maintain the situation. The Chairman stated further that it is about R500,000.00 per month for the clean-up stage and that perhaps the maintenance stage would be cheaper.
- 8.2.3 Keith Higgins requested by a show of hands as to who has been affected by the crime. The result was approximately 30% of the individuals in the hall.
- 8.2.4 Lesley Richardson requested if we can have a register that keeps a record of the crimes. The Chairman stated that members should email the secretary who would then report back monthly as to the crime.
- 8.2.5 Mariaan van Rensburg of Suidpunt Security stated that cameras are the most effective solution as they can keep track of people walking around and have facial images. Mariaan stated further that it is approximately R150,000.00 for three cameras.

- 8.2.6 Peter Gird addressed the hall and stated that he had a private meeting with the Western Cape Police Commissioner and that if you write to the Western Cape Police Commissioner, Colonel Boggel, you will get an immediate response. Peter Gird stated further that he thinks this would be worth a try as you are putting pressure at a higher level. Peter Gird stated further that he has had meetings with Colonel Louw, etc without any success and that if you have any problems with the police, you can write to the Police Complaints Commission. Peter Gird further stated that if you look at the value of properties, his property has devalued by 25% in the last few years. The email addresses will be sent to the secretary and then circulated to the members.
- 8.2.7 The Chairman reminded members to report incidents to the Police as we are paying a huge amount in rates.
- 8.2.8 Lucy Warner stated that she has seen individuals walking around with long sticks hooking stuff out of windows and suggested that if members could communicate over whats app, we would be able to spread the word much quicker. Lucy Warner said that being able to communicate with the people in your street like she does in Somerset West works phenomenally well and that she will discuss and organise this with the secretary.
- 8.2.9 Mariaan of Suidpunt Security stated that it works well, but that the Arniston residents say that they will not do the police's and Suidpunt Security's work. If you are not a member of Suidpunt Security, Mariaan requested individuals to send her an sms on 082 332 6150 or to call the Suidpunt Security office and ask for the cellphone number of the owner of Suidpunt.
- 8.2.10 The Chairman requested individuals who were interested in joining a crime sub-committee to provide their names to the secretary. Keith Higgins and Lucy Warner put their names forward for the crime sub-committee.
- 8.2.11 Rod Lloyd stated that members must be prepared to attend at court to follow up on these cases as he has seen the charge sheet for the habitual criminals and it is very long. Rod Lloyd advised further that the matters are often thrown out of court as witnesses do not attend at court.
- 8.2.12 Bruce Handley stated that it is very frustrating for the police and the court system as everybody knows who the habitual criminals are in the community and Bruce Handley suggested that we should pay someone to catch the five of them. Robert Haarburger stated that there are more than five and it is more likely fifteen.
- 8.3 Cowabunga
- 8.3.1 Louise McIntosh addressed the hall and stated that she lives above Cowabunga and that between the hours of 12:00 and 04:00, there are drunk children, fires on the beach, drinking on the beach and a general disturbance of the peace. Louise McIntosh stated further that it really is a communal problem and that we all have children who want to go out in the evenings and that we need a place for them to go – as a community we need to come together as it cannot go on the way it is in front of their house.
- 8.4 Community Development Trust
- 8.4.1 Hannes van Zyl addressed the hall and advised that 21 people were supported by the trust in 2015 and that for 2016 they have already approved 26 individuals from the village.
- 8.4.2 Hannes van Zyl stated further that the Trust has put one medical doctor through Varsity with a second one on the way, three teachers, nurses, there will be three or four lawyers shortly, one individual is currently doing a Master's degree in town planning and another individual is currently doing an honours in education.
- 8.4.3 Hannes van Zyl stated further that some of the students have passed all of their subjects with distinctions and so far, not a single student in the past year has failed with only two having to write supplementary exams.
- 8.4.4 The Community Development Trust's banking details are on the website.
- 8.5 Fish House
- 8.5.1 Hannes van Zyl addressed the meeting and stated that the Municipality wants to complete the project, but that there has been an objector and they are trying to comply with all of the technical objections. The objector wants to have a financial interest in Fish House and wants the Trust disbanded. The Trust is working with the Municipality to try and reach a solution as it needs to be resolved between the Municipality and the objector.

8.5.2 Individuals in the hall questioned as to who the objector is and Hannes van Zyl advised that it is the Arniston Hotel.

The Chairman thanked all for attending the meeting, which finished at 10:46.