

## WAENHUISKRANS ARNISTON RATEPAYERS' ASSOCIATION

### WAENHUISKRANS ARNISTON BELASTINGBETALERSVEREENIGING

11 December 2014

Dear Members,

#### CHAIRMAN'S REPORT DECEMBER 2014

During January 2014 certain committee members attended a meeting with Mr Dion O'Neill, the Municipal Manager of the Cape Agulhus Municipality ("CAM") to discuss issues with him that were raised at the annual general meeting. To be fair to Mr O'Neill he had not been Municipal Manager at the time for long and he appeared to be reasonably uninformed about Arniston.

Mr O'Neill was informed about the sewerage problem near the hotel, particularly the unacceptable smell. Mr O'Neill stated that he was unaware of this problem and he undertook to investigate it. It was impressed upon Mr O'Neill that this matter could not continue indefinitely and that a solution to the problem had to be found. In no uncertain terms he was informed that a permanent and not a temporary solution must be found.

The perennial parking problem at the hotel was discussed with him and he undertook to ascertain what the current situation was.

Mr O'Neill informed us that CAM had resolved that the building structure on Erf 599 is to be demolished and that CAM was in the process of legal proceedings to have Eiendomsontwikkeling (Eiendoms) Beperk (in liquidation) ("Verreweide") and Robert Haarburger evicted from the premises and that the matter would be heard during the course of the year.

During June 2014 an application by CAM against Verreweide and Robert Haarburger was argued. CAM sought an order *inter alia* that the Respondents forthwith vacate Erf 599 and that CAM be authorised to demolish the existing buildings on Erf 599. On 14 August 2014 judgment was handed down and the Court ordered that the Respondents forthwith vacate Erf 599. The Court however set aside the resolution by CAM to demolish the buildings on Erf 599. Each party was ordered to pay their own costs.

I understand that CAM has appealed the order of the judgment setting aside its decision to demolish the buildings on Erf 599 and that the Respondents have cross-appealed the decision that they be evicted from the premises. This appears to be pending and will not be finalised before the middle of 2015. I understand that Mr Haarburger and Counsellor Burger approached Mr O'Neill to settle the matters between Mr Haarburger and CAM.

It was brought to Mr O'Neill's attention of the possible dangers of the Roman Beach parking embankment collapsing and that he should appoint someone to investigate it. He informed us that he would approach the provincial government to assist him in this regard. He was also informed that all the stairs at the three main beaches (Roman, Main and Kassiesbaai), need to be repaired and in certain cases extended.

Although Mr O'Neill undertook to revert back to WARA about these issues he did not do so, notwithstanding further enquiries when he would do so. Subsequently danger signs were erected at the Roman beach parking embankment.

Many of the matters dealt with by the committee this year relate to land issues and requests to relax building restrictions.

WARA became involved in a number of important broad issues that affect our lives, property and enjoyment at Arniston during 2014. These were new Planning regulations, a new Spatial Development Framework, Coastal Management Program, and Protected Area Management Plan for Cape Nature's De Mond Nature Reserve.

A FEATURE of all these studies and planning programs is that each acts in a separate “*silo*”. No liaison takes place between them. Local interests and expertise are treated at best with condescension by CAM.

**Town Planning:** The Waenhuis Arniston Planning Scheme fell away in June 2014, and is replaced by the Cape Agulhas Municipal Planning Scheme. This Scheme applies to the whole of the CAM, including Arniston. The Draft of this scheme was circulated and issues such as a “SPECIAL OVERLAY”, previously applicable in the Ou Dorp and Kassiesbaai, to allow for special aesthetic conditions, has still to be formulated and included. This will be pursued by WARA next year.

**Spatial Development Framework (SDF):** Every five years the Municipality has to prepare, or up-date an SDF. This is for the whole of the CAM. It covers some municipal-wide controls and then each town is dealt with separately.

There are serious issues in the latest SDF, **approved by CAM in June 2014**, that include:

- The Main Road is seen as an “activity strip”, for business (carried over from previous SDF).
- Additional land for Housing is identified also along the Main Road.
- A large area behind the houses along Harbour Street and behind the Camp Site, are designated for housing. Based on water supply, 80 new houses are potentially viable.

**Overberg Coastal Management Program:** Department of Marine Resources, Coastal Management has published a National CMP, completed a Western CAPE CMP, are now preparing a Regional CMP: this is known as the Overberg Coastal Management Program.

A public meeting in Arniston, attended by WARA, and adjacent land owners, raised issues including:

- Access to marine resources and management thereof: Poaching: recreation quotas.
- Access to and restrictions on coastal marine reserves along the sea frontage: Denel's coast line is still restricted : vehicle access to Visgat : Dollas Downs want to restrict access.
- Threat of restricted access to the Cape Nature Reserve by vehicle and foot.
- Fishing Quotas and viability of the local Arniston fishing community.
- Upgrade of Harbour.
- Permanent Police presence.
- Dune Sand and Wind Speed research.

**De Mond Nature Reserve Complex (DMNRC):** DRAFT for 2014 – 2019

**Protected Area Management Plan (PAMP):** Duncan Heard Environmental Consultants acting for Western Cape Nature (WCN) are examining viability and conditions for management of the De Mond Nature Reserve. The Report took two years. Public participation started at a meeting in Bredasdorp on 17<sup>th</sup> January 2014, with comment till 3 March 2014. Heavy criticism led to a further meeting in Arniston. Written comment was made by the Visserunie, the CAM, by a total of eight residents of Arniston including members of WARA, and by WARA committee members Colin Bird and Rod Lloyd. The issues that caused the greatest concern are:

- Lack of transparency and attempts to rush the process of public input.
- No recognition of the CAM, WARA, Die Visserunie & Hotel as stakeholder groups.
- WCN had ceased to share knowledge & plans with Arniston owners, as in the past.
- WCN see the Reserve as their fiefdom to effect environmental management, tourism & farming at their will.
- No recognition of local ‘ownership’, knowledge & input, especially fishing and recreation, ecological protection, and dune cover and sand issues.
- WCN apparently intends to close the road known as minor road 4407: road from Roman Beach to die Bakken, and control all public access to the reserve.
- Very low budget projection, only R9 million over 5 years, for the whole Reserve management suggesting future agenda to charge admission to achieve viability.

The Consultants recorded all issues raised and responded to them. Local stakeholders will in future be given proper recognition and consultation, including WARA.

I thank the members of WARA who commented on the De Mond Nature Reserve Protected Area Management Plan (De Mond Pamp). The De Mond Pamp proposes the de-proclamation of Minor Road 447 (Old Road 97) (the road from Roman Beach to the Beacon). Many residents of Waenhuiskrans/Arniston objected to this, which objection was supported by Bertus Haywood of CAM on the basis that proper public participation was not conducted and further that the road traditionally gave access to all fisherman/tourists/hikers to that portion of the coast.

CapeNature's response to the objections was that they would be willing to look at a MoU similar to that discussed between the representatives of Waenhuiskrans/Arniston and CapeNature in 2005, which would give local residents special permitted entry at little or no cost with regulated access to 4x4 vehicles. This they stated will be undertaken through a representative and participatory community forum and/or other public participation that may be legally required.

During early December it came to the committee's attention that CAM has applied to rezone Erf 599 from "*residential and street*" to "*business*" and that comments thereon must be submitted either before 28 December 2014 or 19 January 2015. The notice in this regard is not clear.

The committee is of the view that the period granted to comment was insufficient and also that the timing of the application was also prejudicial to interested parties as professionals such as architects and town planners close their practices for the holiday season and as such would not be able to comment on the application. CAM was requested that the period within which interested parties can comment be extended to 28 February 2015. At the time of this report, such extension has not been agreed. Unfortunately this might result in WARA having to consider litigation so as to protect interested parties' rights.

If the current rezoning application is granted, it appears that CAM will call for tenders to purchase the land with the existing buildings intact. The developer would have the option to demolish or adapt the existing building.

### **Departures**

WARA has a permanent status as an "Interested and Affected Party" for all Departures applied for to the CAM. We represent Residents' interests whether they are notified directly or not.

WARA responded to applications for various relaxations, for new or mainly additional building on the following erven:

Erven: 100, 240, 268, 336 (x2), 342, 373, 120.

In order to develop a less antagonistic and more creative relationship with the CAM, WARA has met with the new Municipal Manager, and with Bertus Heywood.

However, as is apparent from recent actions by the CAM, this has produced varying degrees of success. Such as:

### **Harbour Street Housing**

Without consultation, the CAM has initiated the feasibility of sub-dividing off 42 new plots behind the houses along Harbour Street.

On enquiry WARA has been assured this is a preliminary study to generate budgets for technical and planning costs. But we are very wary of the CAM's intent.

### **Open WERF in front of Erf 120**

The CAM has unilaterally granted the Hotel the temporary right to use the newly walled grass Werf, (adjacent to the Hotel), to be used for their parking during December. The CAM has a right to do this but only if a Public Open Space is not in use. This space is the only "*green space*" for children to play and is well used, especially over December. Accordingly CAM should not have agreed to this.

### **Shifting Sands**

Arniston appeared in "*Shifting Sands*" which was a programme about the shifting sand and dunes around the Cape Coast. It was broadcast on 50/50 on SABC 2 on 10 February 2014. The disappearing sand and the state of the beaches is something that requires immediate and urgent attention.

### **"The Arniston - A Village Remembers" by Marius Diemont**

The Waehuiskrans/Arniston Community Development Trust requested Marius Diemont to produce a book about the history of Arniston in the 200 years since the wreck of the Arniston. The importance of regional history is sometimes underestimated and every village should have some regional history books to give later generations a sense of identity and an understanding of why certain things are done in a certain way. The book will benefit the community of Arniston/Waehuiskrans as all proceeds will go to the Community Trust. Donations received covered the expense of the publication of the book. Bucky Diemont is to be thanked for the tireless work done in this regard and to be congratulated on a truly wonderful book.

### **Crime**

The crime in Arniston has increased by 200%. The severity of the crime has not increased, but the frequency of house break-ins has increased considerably, especially in respect of break ins which take place while people are physically in the house as opposed to vacant houses. This is thought to be because the criminals believe that there are more valuables available when the house is occupied. The perpetrators, when caught, are imprisoned for approximately one month whereafter they return to Arniston. We urge ratepayers to remain vigilant and to close your windows and arm your house alarm when you leave your house, to arm the perimeter alarm when you are home and to ensure that all valuables are safely inside the house.

Of the 2014 committee, Peter Hofmeyr, Casey Hofmeyr and Murray van Heerden will retire at the AGM but they are available for re-election. Rovina Europa, Rod Lloyd, Trish Robertson, Christine Craven and Sam Lawrence remain on as members for another year.

I thank the committee for their unstinting support throughout the past year and those not on the committee who gave so generously of their time to the association and matters considered by the association.

May I, personally, and on behalf of your committee, wish you and those closest to you good health and much happiness over the vacation and through 2015.

**MURRAY VAN HEERDEN**