

FISH HOEK VALLEY RATEPAYERS AND RESIDENTS ASSOCIATION

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NOVEMBER 2017

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NOTICE OF QUARTERLY GENERAL MEETING

Venue: FISH HOEK CIVIC CENTRE.

Date: THURSDAY 23 NOVEMBER 2017. Time: **19:30**

MEETING AGENDA

1. WELCOME, Introductions and Apologies.
2. ADMIN: Minutes of the 24 August 2017 QGM & Constitution's Objectives
3. **GUEST SPEAKERS:**
DONALD MOORE: The Fish Hoek Liquor Condition of Title
GIDEON MORRIS: Western Cape Liquor Act: Introduction
JUDGE DEON VAN ZYL: Western Cape Liquor Act: Applications and Appeals
4. COUNCILLOR's REPORT
5. CHAIRPERSON's REPORT
6. GENERAL

REFRESHMENTS WILL BE SERVED AT THE CONCLUSION OF THE MEETING

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OUR SPEAKERS

Donald Moore



He was born in Parkview, Johannesburg and now lives in Fish Hoek with his wife Joan, whom he had met as his girlfriend in Pietersburg (now Polokwane) after his family had moved there. His articulated attorney experience includes Rand Water Board,

City of Johannesburg, Anglo American Property Services, Pietermaritzburg conveyancing attorney. He worked at Guthrie and Rushton before retiring a second time.

Gideon Morris



He is Head of Department for Community Safety responsible for, *inter alia*, the Western Cape Liquor Authority which administers the Western Cape Liquor Act 2008. Gideon has a total of 33 years work experience

within the criminal justice system. He leads the Alcohol Harms Reduction Game Changer programme of the Western Cape government.

Judge Deon van Zyl



He was a practising advocate in the Transvaal Supreme Court in 1967; Law Professor in 1971; obtained his Law PhD in 1983 and has been a judge since 1985. He has authored nine books; his case judgements are published; he has many

journal contributions and has delivered papers internationally. He has many awards and honours.



FISH HOEK'S DRY – ISN'T IT?

With 52 establishments (restaurants, sports clubs, etc. according to W/O Middleton Fish Hoek SAPS) in the greater Fish Hoek area selling on-premises liquor, you'd be forgiven for thinking otherwise. Yet we have a 25 June 1818 original title deed in Dutch with a stipulation against the sale of liquor (no public wine house). As property is sold on, all restrictions should remain (unless changed) and we cannot find any changes (pivot title deeds). Somewhere along the line the Western Cape Liquor Authority (WCLA) started granting liquor licences in Fish Hoek for consumption at restaurants and clubs. This is a source of revenue for the WCLA. Some judges supported this interpretation, but no seminal case can be found where this was actually awarded. Also, liquor licences are renewed annually by merely paying the licence fee. That is, there is no review process for renewing.

Fish Hoek has a history of vigorously objecting to off-sales liquor applications. Our chairman personally delivered many objections against the recent Pick n Pay application to the Western Cape Liquor Authority. Complaints received by the FHVRRRA against two "restaurants" are continuous and varied. These establishments are really just bars where no food has to be ordered. When complaints have been filed at SAPS and SAPS eventually initiated a meeting with the respective owners and complainants, the owners stated that they cannot control their patrons. The mitigations work for a while, but steadily the issues return.

So, what we'd like to know about the original title deed restrictions are:

- 1) Where does the condition come from?
- 2) To which properties does it apply?
- 3) If I cannot read it in my title deed, does it apply? &
- 4) What does the condition mean?

Regarding the Western Cape Liquor Act #4 of 2008 (as amended) and related legislation, we'd like to know if liquor licences can be reviewed and rescinded. If so, on what basis they can be rescinded? Can all new applications be automatically denied based on our title deed restriction?

FRIENDS OF FISH HOEK BEACH (FFB)

The Friends of Fish Hoek Beach working through the FHVRRA has formally been established with a core group of interested members of the public who engage with the City of Cape Town's newly appointed Beach Manager regarding the status upkeep and maintenance of the beach and its facilities.

The beach is one of Fish Hoek's pride and joys says Rob Downey, Chairman of the FFB, with the beach providing a wonderful outing for families, young and old as well as visitors and tourists.

The members from FFB will include the early swimmers and monitor the status of the beach from the catwalk to the end of Clovelly.

They aim to start raising funds by implementing and rebuilding all the broken wooden benches and rock face benches along the catwalk and beach area.

Their other concern is the well-used walkway along the beach front and they are discussing with the City on how to restore this.

Security is naturally an important issue where the community does not want to lose control of the beach and there is a need to engage with law enforcement the metro police in this regard.

The next step going forward is to arrange a meeting with all the role players on the beach and to establish a working code so that all strive and work towards one agenda.

Anyone who is passionate or frequents the beach often is welcome to assist us in their cause.

Even if your beach visits are only to walk your doggy daily, this would be like having neighbourhood watch on the beach. We would also welcome anyone's comments; email rob@capecoastal.com

Council public space – If you want to sell vehicles on public property or put your banking details on your sand castles at our beach, you need to obtain a permit from the City.

Beach's Blue Flag Status – FHVRRA Exco would consider itself remiss in not pointing out that human / animal bacterial counts in the sea water are extremely high and that it is making appropriate recommendations to the City in this regard.

NERSA – We objected to Eskom's proposed 19.9% electricity tariff increase application.

Collapsing Silvermine Gabion – On Clovelly beach was caused by a series of undercutting by inflow of water at high tide. This was reported to PRASA on 18 Sep, but the City Coastal Management responded by manually collapsing it and heaping sand so that the "cave" beneath was covered as signposting and cordoning it off would probably not have kept children from playing on this tempting leaning tower and cave.

Departures – Some have expressed their feelings about blank walls facing neighbours in Chapman's Bay Estate, which is a gated community.

Dust Update – The question was posed at our last QGM as to why 1200 mg/day was used as a threshold rather than 600 for the Evergreen Noordhoek Retirement Village which is zoned Group Residential 2. The answer is that construction sites are allowed the higher dust fall rate within the site perimeter.

We'd like to think it was at our instigation, but Ian Gildenhuys from the City's Environmental Health was also present at our last QGM. What he requested was that the developer should install an additional monitoring bucket on the Sun Valley fence-line that must meet the 600 mg/day. The complication is the road works in the same area, but nonetheless, we are still claiming a victory.

Beach Law Enforcement – You may have seen that Cllr Kuhl has paid for two additional law enforcement officers. There's been a reshuffle in Law Enforcement; we hope for the better.

Non-Profit Company registration – Due to the associated high on-going costs that would be incurred, the FHVRRA Executive Committee (Exco) has decided to shelve this registration for now.

A Better Public Participation Model –

Several ratepayers associations share similar frustrations. Observatory and Upper Woodstock Ratepayers called a workshop meeting of several civic associations to discuss a better model for public participation rather than the current “tokenism” situation. There’s a lot of misunderstanding about City processes, but capacity building (education) was identified as a crucial component.

Roads – Street Lighting has been requested between Kommetjie Road and Corsair Way to illuminate the almost invisible low area created by the road works.

The Point, recreation area & parking at Kalk Bay Harbour has received its Environmental Assessment in favour of development.

Report Traffic Signal Faults – Phone: 0800 65 64 63 or transport.info@capetown.gov.za with time of day, direction of travel and exact location of the fault

Airbnb

Residents and ratepayers may have read in the media that there are over 150 units registered with Air BnB in Fish Hoek and that they have a large footprint in Cape Town as a whole.

The FHVRRRA Exco's advice to homeowners who may wish to enter the tourism market via this or any other channel is to do their homework first.

This means at the outset gaining a thorough understanding of City regulations governing accommodation establishments ie the do's and don'ts.

This information can be found on the City's website.

Safety and Security



Fraud is apparently being committed on Gumtree and OLX sales. Please

be vigilant when trading on electronic media.

The Post Office on Main Road Fish Hoek is home to various elements at night making that area unsafe...as also is the Peers Cave area, at all times.

Fish Hoek parking attendants’ screening: SAPS, Community Police Forum & NW

LEVEL 5 WATER RESTRICTIONS:



National Government says that we must reduce our water consumption by 40%. There is now a "cap on individual domestic property usage [which] is now set at 20 kl per month" The City is installing water management devices to limit abusers to 350 l / day.

Phase 1 of the New Normal – Water rationing through extreme pressure reduction (throttling). In some areas, this will lead to intermittent, localised temporary water supply disruptions, especially during peak demand times in the mornings and evenings. The City asks us to store up to five litres of municipal drinking water only for essential usage.

Phase 2 = disaster stage – This will require us to go to water collection points to obtain a predefined quantity of drinking water. SAPS and the SA National Defence Force will be deployed. Fires may be left to burn. This is similar to Fish Hoek in 1920 when the village’s group of business men built a reservoir above the traffic circle on the Simon’s Town road designed to allow the 28 residents 682 litres each / day, which they had to fetch.

Phase 3 = extreme disaster stage – Even less water will be available at water collection points.



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