

## **Yzerfontein Residents' Association (YRA) - Annual Report 2023**

Our Association was formed in 1963 and so this year we are celebrating the 60<sup>th</sup> year of the Association. During all the years the various management committees, elected by the members, strived to serve and promote the best interests of the members. It is the responsibility of the members to ensure the perpetuation of these objectives in their very own interest and for no other purpose. In order to enable the members to take informed decisions, some of the achievements of the committee, over time, will be highlighted together with some detail of the efforts required.

The purpose of this meeting is limited to the items on the agenda in terms of the constitution.

There were some comments made on Internet media that residents could not make their views known. That is both untrue and uninformed. Residents are free to become members of the Association and address any matter, subject to the terms of the constitution on the YRA website or in writing. To the extent that anyone does neither, it is entirely their own decision.

It was also said that the YRA is required to register with some unnamed entity. That would only be necessary if a separate juristic person had to be created in which case registering a Not -for-Profit would be required.

A frequently repeated comment was that residents are entitled to have a say in managing the town and that the YRA is the only spokesperson recognised by Swartland Municipality (SM). The YRA does not and has no legal power to manage the town. That is the function and responsibility of SM. Neither is it true that SM only recognises the YRA as the only entity speaking on behalf of the residents, whether they are members or not. There exists no legislation authorising or requiring that to our knowledge. The ward councillor represents residents of the various wards in Swartland and is assisted by the ward committee, the only statutory body for the function. The comment is therefore both uninformed and misleading.

A former committee member claimed to have compiled a revised constitution. This is entirely true. However the claim that the chairman, which was me at the time, was supposed to circulate it and never did, is wholly untrue and defamatory. That fact is recorded in the minutes of the September 2018 meeting during which the committee unanimously decided to retain the existing constitution.

### **1. Swartland Municipality (SM) Property Valuation Roll 2023**

On 10 November 2023 SM made their 2023 valuation roll public on their website and in printed format at their various offices in the Swartland. I downloaded the Yzerfontein roll and noticed that it did not comply with the Municipal Property Rates Act, specifically Section 48(2), as names of owners were not reflected on the roll. A telephone call to the official concerned revealed that names were removed from the certified roll on advice from Director Mohammed Yunus Kader of COGTA (Dept of Co-operative Governance and Traditional Affairs) and the Dept of Min Anton Bredell. Copies of the e-mails were requested and received by midday.

Director Kader advised SM not to include names on the valuation roll to avoid possible contravention of the POPI Act without quoting specifics and admitting that it would be a contravention of the MPRA. SM therefore acted in good faith by trusting the advice provided.

During the weekend I studied the POPI Act and compiled an email to the Municipal Manager (MM) stressing that I am acting as an individual ratepayer in my personal capacity. It was pointed out that Section 48(2) of the MPRA defines in detail the information, which includes names of owners, that must appear on a valuation roll. Any document of valuations that does not include all prescribed information is merely a list and not a roll. Therefore what was released to the public was not a valuation roll as required by the Act. The email was forwarded on Monday 13 November 2023 and by Tuesday I had a reply that the matter was being considered. At 17h00 on Wednesday I received a telephone call from the MM to confirm that SM would release the roll with owner's names included.

This is merely to illustrate that a municipality has no option but to listen to one person provided that the facts are irrefutable and even then it sometimes takes a great deal of persistence to achieve the only legally correct result.

Members who are property owners should take note that they have until 15h00 on Monday 18 December 2023 to submit objections to their valuation on the 2023 roll. Such objections will be considered by the valuer and owners will be informed of the result. Should such owners not be satisfied, they may then object to the Valuation Appeal Board.

## **2. SM Spatial Development Framework (SDF).**

During January 2023 SM released their SDF. The committee was approached by a member on behalf of an entity who called themselves Concerned Residents Action Group to request a meeting to discuss certain matters raised in the SDF.

The group described themselves as:

*From this WhatsApp group CRAG was established, Concerned Residents Action Group. We are not an association, nor an institution.*

A delegation of the committee met with the group of four people who raised the following matters of the SDF to which they objected and were seeking the support of the YRA. The committee members concluded that clarification on some of the issues needed to be obtained from SM before a conclusion could be reached. This we received and shared with the group. They subsequently submitted a large number of duplicated individually signed objection letters to SM.

The matters concerned were described by the group as follows with comments in italics:

(a) Proposed affordable housing - There are also no economic activities in Yzerfontein that will provide employment for the typical population living in affordable housing .....

*Affordable housing refers to housing such as cluster housing and flats. Examples are Yzerfontein Heights, Eden Villa, Strandveld Villas, West Coast Villas, Fishermans Haven and Villa Fontana to the extent that they are still affordable. It certainly does not refer to low cost housing which is subsidised state housing.*

(b) Addition of specific development guides - These erven 2130, 2131 and 2132 immediate north of the Mile 16 development, should not be subjected to any form of development whatsoever .....

*Erf 2131 is Captains Cabin and 2132 is Strandkombuis and have therefore already been developed. The land north of erf 2132 is privately owned and a proposed cluster housing development there never took place after the YRA objected with sound reasons.*

(c) Change Erf 269 to Education - This erf is currently zoned "Private Open Space " .....

*This is vacant privately owned land, intended for a school and was a requirement for approval of Yzerfontein Extension 1 by the Cape Provincial Administration.*

(d) Proposed light industrial (storage) - The extent of the land proposed for this in the amendment, however, is much too large .....

*The land between Fishermans Haven and the Fish Market belongs to SM and was always earmarked for light industrial use.*

The YRA committee concluded that support was not possible based on the known facts and sent their analysis to the group. Since we could not find issues with the SDF, we sent a letter supporting it to SM but did request that investigation be done to supply Yzerfontein from the Grootwater aquifer to address water shortage in the future.

SM's reply to the group was much the same but a subsequent reply from our councillor concluded with the statement;

Die slotsom, wat nie in soveel woorde gesê is nie, maar na my mening tog genoem behoort te word, is: net omdat 1 616 mense 'n verkeerde beginsel ondersteun, maak dit nie wetting nie en daarom word die petisie nie gesien as binne die publieke belang nie. Daar is genoeg voorbeelde in die geskiedenis om te bewys dat die gewilde mening nie noodwendig die korrekte een is nie en dat dit nie noodwendig die groter samelewing dien nie.

Subsequently very many presumptuous , insulting, defamatory and downright untrue comments were posted on the Whatsapp chat room. The committee concluded not to get involved in such unseemly behaviour and it was indeed a tragedy to note a culture of such arrogance in Yzerfontein.

Much of the unseemly behaviour has abated recently after a committee member posted a comment on the chat room that he intends legal action should the slanderous comments directed at the YRA, the committee and SM did not cease.

The Concerned Residents Action Group failed in their objectives regarding the SDF and we have no knowledge of any contribution to the benefit of members or residents of Yzerfontein.

### **3. Achievements by YRA**

Even though the committee only acts on behalf of the members, in many cases positive outcomes were to the benefit of all residents of Yzerfontein and sometimes all residents of Swartland.

3.1 2008 CCTV trial system. Members decided at AGM that system be installed in town. Installed over time, funded by donations from members and others and equipment from SM. Total costs in excess of R600,000 by 2021. Transferred to Yzerfontein Neighbourhood Watch.

3.2 2009 Property tax increase reduced from 16.7 to 6% for 2009/10 year.

3.3 2010 Convene public meeting to discuss location of the proposed NSRI station in harbour with CEO. Resulted in relocation to the present site.

Water reservoir fence fully repaired and manhole locks and concrete covers secured.

3.4 2012 Successfully bargained for differentiated property tax for residential properties. Was same as business rates, now 32.8 % less. Amounts to R5626.00 for current year for a R2 mil residence.

CCTV Donations R106,000 for year.

3.5 2013 R200,000 valuation rebate for residents of 65 years or older. Later increased to R300,000 and age reduced to 60 years or older.

3.6 2015 Successfully objected to construction of large block of flats and business premises on Main Road and cluster housing north of Strandkombuis.

3.7 2017 Full property tax charge for Grotto Bay and Jakkalsfontein. Was charged at 25% of residential since 2004. This was a contravention of the MPRA by SM who unyieldingly maintained that they acted according to law. It took years of persistent bargaining with irrefutable references to legislation before SM finally in 2015 relented and then again in contravention with the Act decided to phase full tax in over 7 years. Only when we raised more evidence, including an Appeal Court judgement and SM received a letter from the Executive Manager, for Property Rates Act Implementation of COGTA, raising the exact issues that we have that SM finally conceded that they acted irregularly and taxed the two developments the full residential rate. For 13 years the two towns underpaid tax by 75 % for most of the time. Millions of Rands in tax was lost and therefore paid by all other taxpayers.

From SM reply to YRA input to 2017/18 Budget

(Met die uitspraak van die Blair Atholl Homeowners Association saak in die Appélhof, was daar die eerste keer regspraak oor die aangeleentheid en het dit bevestig dat die interpretasie van korting vir geografiese gebiede verkeerd was.)

Also in 2017 during the state of disaster due to drought, SM raised water tariffs in contravention with Section 28(6) of the Municipal Finance Management Act (MFMA). At the request of one owner for assistance after making no progress with SM, the committee concluded that the matter was in the interest of all members and addressed it with SM. We calculated that this owner was charged about R30,000 in excess resulting from irregular tariffs and excessive water consumption due to most likely water theft as the house was not permanently occupied. Several meetings and letters with evidence did not result in progress.

Also in 2017 we successfully negotiated the 2<sup>nd</sup> sewage pumping in the same month to be at no charge.

2018 Yzerfontein Name Wall finally constructed after years of persistent demands similar to other Swartland towns.

2019 During July 2019 the committee requested the Public Protector to investigate increased water tariffs raised by SM from September 2017 to June 2018. This investigation dragged on with no progress until May 2021 at which time we were in the midst of the Covid-19 pandemic and we concluded that given the lack of progress spending an inordinate amount of time on the matter was not justified and the committee requested the Public Protector to terminate the investigation.

2021 Transfer CCTV to Neighbourhood Watch.

2021/22 R27/R315 Crossing - Meeting with Min Daylin Mitchell MEC of Yzerfontein Forum (Chair of YRA, Conservancy, YNW and Admin of NSRI), Sandy Wilkins (Petition 2400 names), SM Manager, Dir Civil Engineering, Mayor with Management Committee and Ald/Speaker Rangasamy, Koos Liebenberg and myself (Ben Tromp was overseas). Forum allocated task of communications to me. Subsequent correspondence with Premier Winde and Min Tertius Simmers. MM advised that that crossing is now one of two top priorities in list of SM and WCP. Cost of interchange would be R115m.

Property Tax Increase reduced by 50%.

2023 Hall cleaned and repairs. Replacement of curtains, 3 tenders issued thus far.

60 Kph Speed limit moved to east of Fish Market. Required application to WCP Road Engineer who required town perimeter moved which was already done. SM moved sign same day as approval.

SM applied for allocation of R550,00 to repair tennis courts to WCP after YRA input to budget.

Negotiated B & B homes to be categorised as residential on 2023 roll.

#### **4. Sewerage**

During 2022 a committee member advised that effluent flowing from the cliff side near Schaapeiland had an unpleasant smell. We were in discussion with SM about sewerage tariff in Yzerfontein which were to our mind contrary to the

policy. We requested the West Coast District Municipality conduct an analysis of the effluent flowing into the sea, to which they agreed subject to payment of a fee. A sample was taken by an official of WCDM in the presence of our committee member and the Yzerfontein Town Manager.

The test results by an independent laboratory showed a massive 5000 cfu/100ml bacterial pollution. At the time Durban experienced pollution and media reports indicated that a count of 500 cfu/100ml was the acceptable limit. The test results were shared with SM and after considerable delay a meeting with SM Municipal Manager and Director Civil engineering was finally convened. SM had conducted their own test and they found only 1000 cfu/100ml.

Since the effluent appeared to originate from sewage discharged into the ground, we concluded that analysis of sewage pumping was the only reliable statistics to consider. SM declined to collect the data and I collected it from more than 5800 vouchers.

Analysis of the data resulted in the following statistics:

Totale aantal residensiële en multi-gebruik eiendomme	1738
Aantal eiendomme met uitpompings (minimum = 1)	849
Aantal eiendomme met geen uitpompings	889
SM toegelate septiese tenke (Tariewebeleid 2020/21)	425
Eiendomme met tenke moontlik strydig met bouvereistes	464
Persentasie eiendomme wat ondergronds riool dreineer	51,15

The committee has addressed the possible existence of sewage conservancy tanks that drain underground with SM more than a year ago and again during November 2023. This matter must now be attended to by SM to ensure that a health hazard does not exist and that building conditions have been met.

## 5. Thanks

1. The committee for their valued work and help. This year it was:

Edward Brittain (EB) - Chairman  
Boytjie Basson (BB) - Deputy Chairman  
Pierre Els (PE) - Conservation / Tourism link  
Kenne Louw (KL) - Infrastructure  
Dan Walters (DW) - Infrastructure  
Tobie Verwey (TV) - Infrastructure  
Willem Badenhorst (WB) - Treasurer  
Bernard Mouton (BM) - Cameras  
Abrie Coetzee (AC) - Communication  
Braam van Tubbergh (BvT) - Infrastructure

2. Swartland Council and Administration who once again achieved a clean audit. Especially the Municipal Manager and our councilor and Speaker Alderman Michael Rangasamy.
3. Bernard Mouton for 14 years of camera installation and maintenance, mostly free.
4. Kenne Louw who regularly crossed the town to compile a list of defects. Before him Rupert Joone who did the same as a cyclist.
5. Ben Tromp for years of acting as treasurer. Currently, Willem Badenhorst is doing the task.
6. Koos Liebenberg and the Neighborhood Watch.
7. Anita de Jager and Ria Kruger, who in the past moved our membership up to more than 350. Also to Former secretary Desna Richardson, who often recruited members at Spar on long weekends.
8. Neale Africa who has to fulfill the dual task of town manager and law enforcer.
9. Alfie and Jakkie van Litsenborgh for years of protection of residents, many who were not clients.
10. The members who have made this association possible for their own good for the past 60 years.

Edward Brittain

Chairman

30 November 2023