This photograph shows yachts & boats in Hout Bay harbour photo taken from Lichtenstein Castle balcony. The idyllic view belies the foul fishmeal smells that make some people want to vomit.
Len’s Lines

A message from the Chairman of the Hout Bay Residents’ & Ratepayers’ Association

Our lead photograph shows the beautiful Hout Bay Harbour - an idyllic scene, which belies the foul fishmeal smell that the winds carry from the Oceana Fishmeal Factory, as far as Chapman’s Peak Drive and the Meadows – see the photo on page 3. Many residents in Hout Bay have complained on the Facebook page of Hout Bay Organised. Many heated arguments have also erupted on how to deal with the air pollution. However, until the very lax Environmental Air Pollution Laws are changed, become stricter and stringently applied, we have little hope of curbing the smells emanating from the Oceana Fishmeal Factory in Hout Bay.

Why not phone the Oceana Head Office in Cape Town, if you have something to say in these matters? Contact numbers are: 021 415 8500 or the Factory Technical Manager, Mike Copeland 082 572 1852

We visited the Lichtenstein Castle the other day to view the rectification of a bridge called for by the Western Cape Government’s Department of Environment and Development...
Planning. While we were there we were interested to see that Lichtenstein Castle is having a complete make-over inside and out by its new Russian owner, Svetlana Besfamilnaya. The artisan standing high on scaffolding in the photo on page 8 and working on the ceiling could be Michael Angelo – the fine work being done is reminiscent of the Vatican. The castle has stunning views of Hout Bay Harbour, Chapman’s Peak Drive and the mountains.

If you missed watching the 50/50 Programme, “Shifting Sands” on SABC 2 at 19:30 on Monday, 10th of February, in which the Aeolian Dune System in Hout Bay was discussed and vividly portrayed with spectacular video footage, here’s the u-tube link. Just click on the link below

http://www.youtube.com/watch?v=hiOlOpRI2Zg

Hout Bay Organised on Facebook was full of the Fish Smell talk for days, with protest march ideas suggested and many other pronouncements.

We have often been asked: What does the HBRRA do?

A main objective of the Hout Bay Residents’ & Ratepayers’ Association is to promote and safeguard the interests of the ratepayers and/or residents of Hout Bay. In pursuit of this objective your Exco is in regular communication with the City’s departments; particularly the Roads, Parks and Coastal Management people, with whom, in general, we have a very harmonious relationship. Read on below ……..

Planning & Land Use Issues
In the Hout & About issues of November 2013 and of January this year, we discussed the City planners’ errors in not bringing forward into the Local Area Overlay no. LAO/11 for Hout
Bay/Llandudno all the minimum erf size conditions set out in Special Areas delineated in the Divisional Council of the Cape Zoning Schemes which the Cape Town Zoning Scheme replaced in March last year. We mentioned that during a sub-council 16 hearing last month into an application for the sub-division of an erf in the Victorskloof Development Plan area in Hout Bay, which the HBR&RA opposed on the grounds of LAO/11’s inaccuracy and other factors, the City planner present admitted that this overlay contained errors of omission and commission. Based on this disclosure and our ward councillor’s spirited support of our arguments, the application was turned down by the sub-council.

In February the incorrectness of LAO/11 came up again at sub-council 16’s monthly meeting, in two more Hout Bay erf sub-division applications opposed by the HBR&RA, because they violated statutory conditions regarding the minimum erf sizes applicable in the areas concerned.

The one matter was a straight-forward duplicate of the January application, dealing with an erf in the Victorskloof Development Plan area, Erf 4574, No. 5 Surcingle Avenue. This time the sub-council chairman himself was able to tell his colleagues that he had now officially heard from the head of the Land Use Management section of the City’s Planning & Building Development Management Department that Overlay LAO/11 had errors and was in the process of being amended and corrected. After discussion the sub-council decided to defer a decision on this application to allow the City’s legal department to give their opinion regarding the need to amend LAO/11 to show the Victorskloof Development Plan area, stipulating a minimum erf size for it.

The second matter, concerning an erf in Upper King Street, was interestingly different. The owner applied in 2009 to have this land divided into two portions, each less than 500m² in area. The planners supported the application, claiming that the minimum erf size in Scott Estate was 450m². The neighbours fought the application all the way to the High Court on the basis that Scott Estate fell into a Special Area in terms of the applicable Divisional Council Zoning Scheme, with a minimum erf size of 650m², and in 2004 the application was finally thrown out.

This time the owner and the planners admitted that 650m² was the minimum erf size in terms of the previously applicable Divisional Council Zoning Scheme and that the application to sub-divide Erf 2742 was made in terms of that previous Zoning Scheme. The planners stated that they supported this fresh application on the basis that it met the City’s objective of increased densification.

In response the HBR&RA argued that the 650m² erf size is a statutory prescription which cannot be set aside just because it does not suit a City policy. We further argued that this policy takes no heed of the rational planning purpose for densification: to locate more people close to areas where employment and services are located and to reduce the strain on traffic infrastructure. None of those desirable objectives will be achieved by illogically overriding the erf size conditions of the Scott Estate Special Area and from the comments of the City’s various service departments on this application it was quite clear that they had totally ignored the already overloaded infrastructure in Scott Estate and the Hout Bay road network. For instance, the inaccurate comments by the Traffic Department showed that no one from that department had actually been to Upper King Street before writing their report. Again we were strongly supported by Marga Haywood, our Ward 74 councillor, and this opportunistic application was turned down.

Of course that is not necessarily the end of the matter regarding these two applications. The applicants can appeal against the sub-council’s decisions, to the City’s Planning & Appeals
Committee, known as PLANAP. This body marches to a very different drum to our sub-council. Sub-council 16 is made up of ward councillors with an intimate knowledge of the areas that make up the sub-council and the persons who inhabit them, making the sub-council’s decisions ones that reflect their constituents’ valid concerns and interests.

PLANAP on the other hand is populated by councillors who appear to have no consideration at all for the feelings of the constituents of sub-council 16, concerned only with their political parties’ “policies”, often conceived far from the coalface of citizens’ actual lives. From previous decisions in that forum it is apparent PLANAP has no concept of the sense of place that has been a major factor in individuals’ decisions to make the Hout Bay valley their home and that has clearly also been an important drawcard for visitors who have marvelled at the ambience that Cape Town and its environs possesses and has no doubt been a fundamental element in the choice of Cape Town by the New York Times last month as the most desirable city in the world.

With the DA in the majority at present, PLANAP worships at the altar of the Great God Densification Everywhere, regardless of the core purpose of densification: to increase housing close to employment nodes and contain infrastructure costs, and without thought for any other sound reasons why densification might be inappropriate in a particular spot.

Worse still, at PLANAP City land use planners sit in on the councillors’ deliberations once the applicant and objector have made their presentations and been ushered out of the room. Thus the dice is heavily loaded against any opinions that run counter to the planners’ ideology of the moment.

So, there is a strong possibility that sub-council’s decisions in respect of the sub-division applications for Erf 2742 and Erf 4574, Hout Bay, will, if those decisions are appealed, be overturned by PLANAP.

However, at present that is not the end of the appeal process. In terms of the Western Cape Land Use Planning Ordinance (LUPO) the party losing at PLANAP can petition Province to overturn that ruling. The decision by the MEC for Local Government, Environmental Affairs and Development Planning is final, unless the party aggrieved by the MEC’s verdict takes the matter on Review to the High Court, as happened in the original Erf 2742, Upper King Street, matter. The court’s judgment really is the end of the line.

If you have read this far you will be interested to know that this whole land use application & approval process at municipal level is about to be stood on its head – to the considerable detriment of the public, unless a challenge to a new piece of national legislation called the Spatial Planning and Land Use Management Act (SPLUMA) is successful in the Constitutional Court.

In terms of the Constitution of South Africa municipalities are responsible for land use planning in their respective municipal areas and within their jurisdiction. The national government has finally got around to promulgating legislation, SPLUMA, to give effect to this imperative. SPLUMA is not yet operative because its Regulations are still being written and because of the ConCourt challenge but if it remains unaltered it represents the death knell of effective public participation in land use planning applications.

The Western Cape provincial government has also recognised that LUPO is unconstitutional because it allows the province to overrule municipalities’ land use planning decisions and has
recently published for comment a Land Use Planning bill which has no reference to public participation, leaving that subject to SPLUMA.

The outcome of the Constitutional Court challenge to SPLUMA is therefore vital to continued public input on land use planning matters. We will keep you informed.
Lichtenstein Castle – gets a complete make-over inside and out – workmen busy on the top floor
"Michael-Angelo" working on the ceilings of Lichtenstein Castle

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PLEASE TAKE NOTE (especially venue change): now in HB Manor Hotel

HOUT BAY RESIDENTS’ & RATEPAYERS’ ASSOCIATION
[PREVIOUSLY HOUT BAY RESIDENTS’ ASSOCIATION]

PO BOX 27031, HOUT BAY, 7872 E-MAIL HBRRA@HOUTBAY.ORG.ZA
Chairman: Len Swimmer (021-790-0268, lens@telkomsa.net)

NOTICE of ANNUAL GENERAL MEETING

VENUE: Hout Bay Manor Hotel – Crystal Chandelier Room

DATE: Wednesday 19th MARCH 2014

TIME: 19:30

GUEST SPEAKER
Dave Cowley - long standing member of HBRRA, former Chairman of HB & L Heritage Trust, HB & L ECG

Topic: “Hout Bay supplied the water to Cape Town when the City polluted or wasted all the natural sources of water available to it. They built tunnels and dams on Table Mountain which eventually took all the perennial water from Hout Bay and this ultimately led to the demise of agriculture in Hout Bay”.

Hout & About March 2014
**HBR&RA Collection tins**

Please take note: You will find new HBR&RA collection tins appearing at many till points around Hout Bay - “tins for small change to create big change” to support the cause – keep Hout Bay a place we would all like to live in. You’ll find our tins at Penzance Vet, Casareccio, Dario’s, La Cuccina, OK, CNA, SPAR, Earth Worx, Jack Hammers, Riding Centre, Dr. Orrey’s rooms, Blue Bottle.

No matter how big (and we encourage and welcome Corporate membership at R1000,00) or how small the donation, all donations are welcome.

So again – here’s our bank details- our Bank is:

**First National Bank,**  
Branch: Hout Bay  
Sort code: 204 009  
Current account in the name of **Hout Bay Residents’ Association**  
A/c Number: **5345 1027 173**

Please put your name and initials as the reference if you make an electronic funds transfer or deposit monies to the credit of the Association’s bank account.

| Cheques/Money Orders, payable to “Hout Bay Residents’ Association” may be posted to HBRRRA, P.O. Box 27031 Hout Bay, 7872 |

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**To know what’s going on in Hout Bay, why not join the Hout Bay Residents’ & Ratepayers’ Association?**

**Join today – here’s how:-**  
Simply complete the Membership Form below, and email to hbrra@houtbay.org.za, and a response will be sent to you promptly. The annual subscription fee is a nominal amount and you may wish to make a donation – please do so!

| The Economy is a wholly owned subsidiary of Ecology – without the Environment, there can be no Economy! |

**THE ENVIRONMENT IS, AND ALWAYS WILL BE - OUR PRIORITY**
MEMBERSHIP APPLICATION FORM

I/We would like to take out membership of the Hout Bay Residents & Ratepayers Association and understand that the subscription fee is R60 per person per year and R100 per couple. Corporate Membership R1000,00

Please find payment of R………. enclosed and note the following details in your records:

SURNAME …………………………….. FIRST NAME/S ………………………. TITLE ………..

POSTAL ADDRESS …………………………………………………………………………………………………………………………………………………….

RESIDENTIAL ADDRESS [if different] …………………………………………………………………………………………………………………………

PHONE (h) …………………….. FAX …………………. CELL PHONE ………………………………………

EMAIL ADDRESS ……………………………………………………………………………………………………………………………………….

SPECIAL CONCERNS

…………………………………………………………………………………………………………………………………………………………………………

I AM ABLE TO OFFER ADVICE OR ASSISTANCE TO THE EXECUTIVE COMMITTEE . DETAILS OF MY AVAILABILITY AND AREA/S OF EXPERTISE OR INTEREST: …………………………………………………………………………………………………………………………………………………………….

Banking details for a/c Hout Bay Residents Association BANK: FIRST NATIONAL BANK

BRANCH: HOUT BAY
BRANCH CODE: 204 009
ACCOUNT No: 5345 1027 173