

## **Communication to DSBC members - September 2011-09-11**

By now many of you will be aware that the Paddle Ski Club has lost its case against the DPDC (Durban Point Development Company) and the DPDC was granted an eviction order against the Paddle Ski Club, subject to 30 days' notice for construction to commence. It was also lost with costs for two senior Councils to be paid by the Paddle Ski Club. A costly affair indeed! We will post the judgement on our web site this coming week. The detail is interesting, and very informative. This judgement will generate discussion and comment around our future in our present facilities, and with this will come speculation of when will we leave, what will happen to the old shelters, where will we go etc. Through the sands of time, our older members may have forgotten and our newer members, post 2007/8, may not have read the memorandum of Agreement that is still on our website. This can be visited at [www.durbanskiboatclub.co.za](http://www.durbanskiboatclub.co.za).

### **What follows is a headline summary of what transpired historically:**

1. The land our club is situated on, used to belong to Transnet.
2. They disposed of the land initially to Rocpoint, and thereafter to the DPDC. The DPDC is 50% owned by the Durban Infrastructural Development Trust (DIDT), a vehicle controlled by eThekweni Municipality, and 50% by Rocpoint, a subsidiary of a Malaysian company, with a local empowerment partner. The overall objective of the DPDC was to turn the Point area from the slum it was, into a mixed use precinct, also encompassing a Small Craft Harbour (SCH) and embracing all water sports possible. The mixed use land uses would include residential, office, hotel and retail.. It is anticipated that the benefits of a re-generation of the Point Waterfront precinct will extend to the wider Point area, and the slum areas that exist between the Point in the South and Sun Coast in the North.
3. Negotiations between DPDC and the Clubs commenced as early as 2005 and once an agreement was concluded, the DPDC gave us notice of cancellation of the existing leases, and as such we had no on-going tenure, but the agreement was clear on various notices and interim arrangements. The negotiations led to the securing of a prime site and launch facilities for our members, this mandate to negotiate was given by the vast majority of the members to the committees of the DSBC, PYC and DUC. This negotiation was done under the banner of the PWC (Point Watersports Club that comprised the DSBC, PYC and DUC). The Paddle Ski Club decided to oppose the agreement and chose to walk out of the negotiations and followed its own course.
4. In July 2008 the abovementioned agreement was concluded between the DPDC and PWC, and the spirit of understanding was embraced in the Memorandum of Understanding (MOU). This agreement set down the way forward including a prime site in the corner against the new North Pier that was secured at below market value. The development of this site would be for our own costs.
5. The agreement provided for our inclusion in a small craft harbour, and likewise it included protection for the clubs in the event of a SCH not being approved. Before proceeding with the construction of that part of the development located seaward of the DPDC boundary, a Lease with Government must be concluded and this permission is still to be obtained by the DPDC.

The Save Vetch's Association (SVA) is challenging the ROD which is the environmental approval that was given to the DPDC and which authorised the development of the whole area, including the small craft harbour. This challenge is directed at the Provincial and National Departments of Environmental Affairs. SVA is also challenging the Surveyor General's office on the seaward boundary of DPDC and the replacement of that High Water Mark with a rectilinear boundary. So where does this leave the three clubs, PWC, that are party to the MOU? For some time now we have been meeting with the DPDC, the

purpose of which is to keep in close contact as to developments that are taking place within the DPDC and the PWC. Our next meeting is on Thursday 20/10/2011 and timing issues regarding the development will be high on the agenda. We will report back after this meeting. It is unclear as to when judgement against the Paddle Ski Club comes into effect as the DPDC are still awaiting municipal approvals to commence building in the area of the Paddle Ski Club.. It must be noted that the debate about the ROD and the high water mark does not in any way prevent the DPDC from commencing the development of the Point area. They only await final building plan approval that is expected to be issued shortly. Another important point is that we have a sound understanding with the DPDC that we will only move when absolutely necessary. Further the move will probably be in two parts: (a) the shelters on the South side will go. This means that the row of shelters in the seine netters area, the Club House, and the sea row of shelters will remain for a while. (b) the second part of the move will be to consolidate with the DUC and PYC for a two year period, during which time we will construct the new PWC facility. This was the earlier plan. Also note that those that have shelters in the new area will remain for some time. The other unknown at this stage is whether or not the Paddle Ski Club will seek leave to appeal against the Eviction Order granted to DPDC. If granted it may further delay the situation. Leave for appeal is usually granted if the judge believes another court (the Appellate Division) may find differently? In summary please understand that the timing situation, in many respects is an unknown at this stage, and as it becomes clearer we will keep all our members informed.

#### 1. Managing our launch site

Last Saturday saw many members enjoying the good weather and going to sea. Apparently it got quite messy queuing or rather not queuing for tractors, and to get this sorted out we will be introducing the golf ball system. How does it work? Get an old golf ball and put your boat number on it. On arrival at the club place the ball in the rack, this fitted on the wall opposite to our downstairs entrance. Please ensure a crew member stays with the queue so that when your ball pops out you take the next tractor tow. The tractor drivers have been briefed. This applies to all shelter occupiers.

#### 2. Socially at the Club.

It is great to see more and more people enjoying the lovely facilities at the club. For those that attended the match against Wales will know what we mean. The top dining room has been cleaned up and painted, and the whole Sunday roast scene freshened up, the roast for the day is now spit roasted. For those that attended National Women's Day the whole down stairs area had a terrific vibe, helium filled balloons, fresh orange juice, and many other breakfast delights. Well done to Jane and her team for making the difference. You will also notice a big improvement in general housekeeping, from the loos to the kitchen, not to mention the fans in the bar and lower bar area that has been painted - I guess you can turn a sow's ear into a purse after all! With your added support we are busy coming to terms with handling the extra meals etc. On this point we know we have disappointed some members with shoddy service out of the kitchen. Please bear with us, as we are getting it right. With a better service the quality of meals will also improve. Please give us your support during this important change for the better. Remember a bit of encouragement goes a long way.

#### 3. Subscriptions

Many thanks to those that have paid promptly. We also apologise to those who received extras on their invoice, but unfortunately the Pastel accounting system did its own thing. If this happened to you please give Yvette a call and she will have it corrected. Regarding payment of subs, it is very important you have paid by end October, and have the new Blue PWC Card. This card will not only entitle you to a discount at any club, but will also allow you access to parking. Please note all white loyalty cards and the yellow membership card will fall away from 1/11/2011. Parking as you can see has become an issue and it is important we support our

guarding and parking staff when it comes to busy times like last Sunday. Please play your part. From 1/11/2011 only Blue Card Holders will have access to inside club parking. Also as a reminder the cost is R35 per card.

4. Catches

One of our members has been served a fine of R2000 by the authorities for having 4 extra shad in his live bait well. Please be mindful of regulations, be it bait and or the quantities of Geelbek that are being eaten by the sharks quicker than we can hook them. Maybe the authorities should fine the sharks for eating beyond their quota ????

5. Tower duty

When you joined the DSBC, and were given an S number it was explained to you that you would be expected to do tower duty. This usually comes around every two years, not at all onerous. This is a Port Captain requirement, and is critical to the safety of our members, and visitors who go to sea over weekends and holidays. Of late some members have not been playing ball and have tried to avoid this responsibility. You are also notified well in advance. If you cannot do your duty the onus is on you to find a replacement, it is not the club's responsibility. There are also some members who are happy to assist you at a fee. The amount is around R600. Please contact the club in this regard. Please understand we are going to be hard on defaulters, so do not expect any leniency if you buck the system. Whilst on the topic of safety, please remember it is imperative to radio in when you launch and also to call the tower for permission to beach. Once again if you do not comply with this important and simple requirement you can expect to be on the receiving end of discipline. Please remember that these are safety procedures put in place for you to have a safer day, please play your part.

**Regards,  
Hilton Kidger**