

# Fate of yacht club in balance

## Popular Bay attraction's row with Transnet over rental now referred to Ports Regulator

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A THREE-YEAR wrangle over rental for the Algoa Bay Yacht Club has been referred to the Ports Regulator after a draft settlement order was granted by the Port Elizabeth High Court yesterday – effectively giving the club six months to vacate.

The club and the Transnet National Ports Authority are at loggerheads over a fair price, the club saying it should be subsidised or discounted.

Transnet wants a market-related rental of more than R49 000 a month.

Court papers reveal that Transnet issued a summons to the yacht club in 2014 claiming the almost 60-year-old Port Elizabeth harbour feature owed about R1.9-million in overdue rental.

Transnet claimed the club was not paying a market-related rental as determined by it.

The matter was taken to court and the parties decided on a draft settlement agreement which effectively cancelled all rental agreements.

The draft order, agreed upon by both parties out of court, effectively allows the club to continue operating until February 28.

After this, it will be allowed to continue operations on a month-to-month basis should Transnet fail to secure a replacement tenant.

The document also said that should



UNCERTAIN FUTURE: The Algoa Bay Yacht Club could close next year

the club fail to pay its monthly rental, Transnet had the right to issue a warrant of eviction, which could see the club closed down indefinitely.

Originally built on vacant land by members of the public, the club has been used for recreational purposes and, according to club chairman, commodore and longstanding member Alan Straton, it was intended to foster a love of sailing in the Bay.

"In 2006, the club suffered a devastating fire and almost burnt to the ground," he said.

"It had to be rebuilt and this affected members. We decided to open a

restaurant and open the club to the public to assist in covering costs."

The first lease agreement dated 2006 gave the club an option to renew after three years.

Then, in 2009, Transnet issued the club with a notice of a breach of lease agreement for overdue rental and it was claimed that the club should pay R37 000 a month.

An appeal was lodged with the Ports Authority, while the club paid R6 000 in rental and R4 000 in arrears, totalling R10 000 a month.

The club is paying R15 800 a month including interest.

According to Straton, it was agreed that an external valuator would be assigned to value the property to determine a fair rental amount.

But he said this had not happened and instead an internal valuator from Transnet had been appointed.

The club then took the matter to the Ports Regulator to mitigate.

Straton said Transnet's reluctance to negotiate or discuss further agreements was leading to a situation which would be difficult to defuse.

"This process needs to be managed in a way that we can talk to each other. We need to find a solution that is good for everyone," Straton said.

The matter is now to be heard by the Ports Regulator on Tuesday.

Nash Vandayar, who is part of Transnet's legal team, confirmed the contents and acceptance of the draft order, but did not comment further.

# Environment protection budget for East Cape inadequate, says analyst

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AN independent monitoring and advocacy organisation has slammed the mismatch between Bhisho's budget allocation for environmental protection and the growing eco-challenges the province is facing.

Just 0.14% was allocated to drive the Eastern Cape's key environmental sub-programmes, Public Service Accountability Monitor (PSAM) analyst Nicholas Scarr said yesterday.

"These sub-programmes – environmental impact assessment and waste and pollution management, law enforcement, coastal management, biodiversity management and environmental education – are the coal face," he said.

"This is where we tackle the myriad environmental mandates we are committed to."

Of the total Eastern Cape budget of

R74.5-billion, just R303-million was allocated to the environmental affairs chief directorate.

Of this budget, 64.7% went to the reserves and only 35.3% to the environmental management of the rest of the province, Scarr said.

"I have no doubt the reserves are seriously under-funded, as argued in the legislature last week, but the reserves cover just 2% of the province."

"It throws the problem of spiralling environmental attrition into even starker relief."

"Are we serious about the environment, sustainability and benefiting from sustainable options, or do we just want to talk about it?"

Scarr said while a budget was consistently assigned for climate change impact mitigation and adaptation, "in the absence of sound environmental governance at a more foundational level, this is a contradiction in terms."

"Bhisho should take stock of the mismatch. Environmental Affairs

should be afforded a budgetary dispensation which demonstrates that it is recognised as a crucial player in Eastern Cape governance, and which empowers it to impose itself in accordance with the gravity of the environmental challenges."

To support this economic revision, Environmental Affairs had to be given its own department, he said.

Eastern Cape environmental affairs general manager Albert Mfenyana said the Department of Economic Development, Environment and Tourism was "seriously considering how this matter should be addressed within the allocated fiscus, as there is no new money expected".

He said environmental affairs and economic development complemented each other within the department.

"[This helps to ensure] sustainable environmental management that will result in economic development," Mfenyana said.

# Councillors' case postponed for DPP feedback

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THE lawyer for two ANC councillors facing charges of assault said he had made representations to the Director of Public Prosecutions in connection with the case against his clients.

Nelson Mandela Bay councillors Andile Lungisa and Gamalileli Maqula appeared briefly in

the Port Elizabeth Magistrate's Court yesterday, where the case against them was once again postponed – this time in anticipation of feedback from the DPP.

The courtroom was surrounded by members of the police and court security officials.

Lungisa, 39, and Maqula, 28, were arrested following a council brawl in October, after DA councillor Rano Kayser was hit over

the head with a glass water jug and DA chief whip Werner Senekal was stabbed in the back with a sharp object.

The men face charges of assault with intent to do grievous bodily harm.

Defence attorney Luthando Ngqakayi would not say yesterday exactly what the written representations pertained to.

Outside the court afterwards,

Lungisa once again addressed the media and a gathering of ANC supporters, claiming that the state had no case against them.

"This matter belongs in City Hall, it does not belong in the courts," a confident Lungisa said.

The case was provisionally postponed to September 14, while a trial date has been arranged for October 25.

# HIGHLY SKILLED



ACT OF KINDNESS: Artemis Pole Academy's fifth annual Pole Showcase will be held at the Fairview Race Course this Saturday. Funds raised from the event will go to Fix Africa, a school for special needs children. Practising are Chere Murphy, left, and Tharene Windsor

Picture: WERNER HILLS

# IN BRIEF

## Four arrested after hijacked cars found

FOUR men are expected to appear in different Uitenhage courts today in connection with separate incidents in which hijacked vehicles were recovered.

Police spokesman Sergeant Majola Nkohli said police had received a tip-off about a vehicle being stripped behind a house in Bangeni Street, KwaNobuhle, at 2pm on Tuesday.

A preliminary investigation revealed that the white Toyota Tazz had been hijacked in KwaNobuhle on Saturday.

Two men, aged 34 and 39, were arrested.

Two hours later, police spotted another hijacked car parked in Acacia Street, Kamesh. No one was in the car.

"Police monitored the vehicle and waited for two men to get into the car, then approached and searched them."

The vehicle had been hijacked in Havelock Street on Friday, while the driver was parked and talking to a friend.

Two men are due to appear in the Uitenhage Magistrate's Court and the other two in the KwaNobuhle Magistrate's Court today. – Gareth Wilson

## Front door kicked down during robbery

THREE men kicked down the front door of a house during a robbery in Bethelsdorp early yesterday morning.

According to police, the family were asleep and one of them awoke to a noise at the front door at about 1am.

Police spokeswoman Sandra Janse van Rensburg said that within minutes of the three men trying to force open the door, it had been kicked in.

"The men ran inside the house. The family was threatened and forced to comply with the suspects' demands," she said.

"One suspect stood guard over them, threatening to shoot them if they did not hand over their cellphones."

Janse van Rensburg said while one suspect was confronting the family, two others had been stealing the television. – Gareth Wilson

# Hop it! Ad watchdog gives Duracell bunny marching orders

Dave Chambers

THE Duracell bunny has been told to stop rabbiting on about its stamina.

Advertising claims that Duracell batteries "last up to 10 times longer" are untrue and must be withdrawn, the Advertising Standards Authority (ASA) has ruled.

Rival Eveready complained to the watchdog that in SA Bureau of Standards tests, Duracell batteries lasted between 3.5 and 4.1 times longer than its own products.

This was a far cry from the claim by Duracell – and showed that it relied on unstandardised testing protocols to exploit consumers and exaggerate the superiority of

its products, Eveready said.

Duracell told the advertising watchdog that its claim relied on tests by a leading global quality assurance company, which compared its batteries with Eveready Power Plus Silver AA batteries.

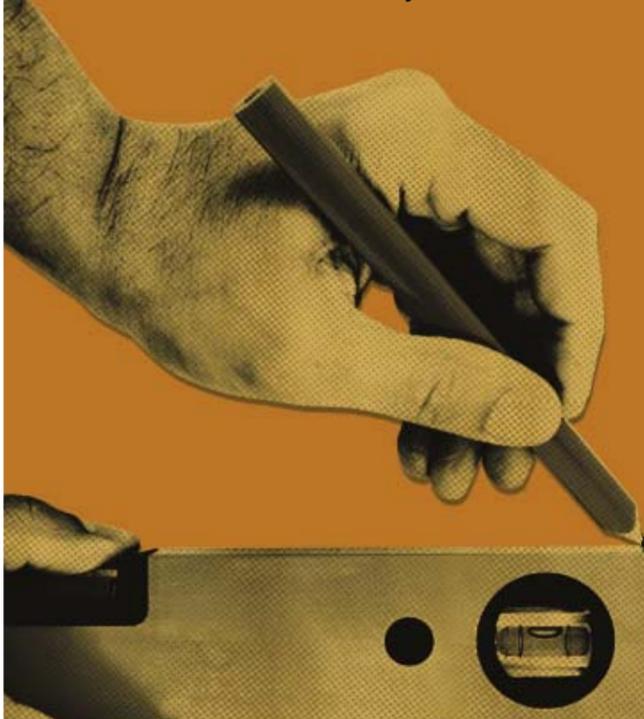
But the authority's directorate said: "To the hypothetical reasonable person, the reference to last-

ing 10 times longer presupposes that ordinary use would deliver similar results."

It was not clear why Duracell had chosen specific testing on specific toys when it could reasonably be assumed the vast majority of consumers would not interpret the claim to be limited to only those toys, it said. – TimesLIVE

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