

From: John Mendelsohn [<mailto:johnjay@telkomsa.net>]

Sent: 05 March 2013 14:08

To: admin@beaulieu-estate.co.za; 'Charles Guise-Brown'; functions@kyalami.cc.co.za; shari@kyalamicountry.co.za; rickd@iafrica.com; 'Kristin Kallesen'; Takis Michalakis

Subject: FW: Proposed Kyalami Ridge X3 - bulk sewer line

Importance: High

Ms. Jitske Botes

LEAP Environmental Assessment Practitioner

In my capacity as Ward Councillor and in response to your email of 4th March, 2013 I protest most vehemently against calling a public meeting on 27th March, 2013, and expect IAP's to comment by 31st March, four days later..

I state that-

- This date falls during school vacations
- This date is just before the Easter long weekend
- 31st March, 2013 is a Sunday

In the circumstances the attempt to achieve full public participation in so vital a matter is so insincere as to amount to a nullity. The approach to the matter is in fact high handed and arrogant. Your principals can hardly be unaware of the inappropriate timing of the meeting. It could also be described as a tactic which, whilst conforming to legislation, is in form only, rather than in substance.

Your notice attached to the email raises some significant questions which need to be answered.

1. It states that Retail Africa [Pty] Ltd. and Shoprite [Pty] Ltd. are the applicants on behalf of Johannesburg Water SOC [Pty] Ltd. Proof would be required that that the applicants have the written authority of Johannesburg Water to commence the process described in the notice. Please provide proof of authority. In the absence of compliance with this request, it will suggest a lack of authority and could invalidate the entire process.
2. When one considers the properties which will be affected, apart from so-called rights of way and Eskom servitudes, the remaining affected properties are privately owned. This suggests that in order for the sewer line to be constructed in or through those properties, there will need to be expropriation of servitude rights. In order for meaningful public participation and comment to take place, please clarify the position.
3. Is it suggested that servitudes of right of way for road and other purposes and Eskom servitudes can be appropriated to accommodate a sewer line without consent of, or input from, the beneficiaries of those servitudes?
4. It is stated that the purpose of bulk service (sewer) line is to serve the Kyalami commercial development on the corner of Main and R55. It then goes on to state that the bulk line will serve a larger area for expansion at Crowthorne and other areas upstream from the bulk line. In what sequence or phases will the sewer line be constructed? Will the first phase be through the affected properties?
5. Who will be funding the construction of the sewer line?
6. If environmental approval is granted and legal and other obstacles are overcome, what is the time needed to construct the bulk sewer?
7. Is the Gauteng Department of Transport an affected party? Has it been notified of the impact of the project on the proposed K56 highway?
8. Is it suggested that expropriation of the affected privately owned properties is for a public benefit?
9. How will the owners of the privately owned properties benefit?

On behalf of the community which I represent I demand that you refer back to your principals for instructions, a response to my questions and cancellation of this meeting. It must be arranged for another more suitable date with allowance for an adequate time span within which to submit comment. The meeting cannot take place until the questions are answered. Without answers,

comment from affected persons will not be of full value and full public participation will have been unlawfully suppressed.

I demand that you respond to me by no later than noon on Friday 8th March, 2013, concerning the cancellation of the meeting, failing which I shall be mobilising the community to approach the High Court for an urgent interdict and other appropriate relief.

Yours truly,
Councillor John Mendelsohn
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