

Mareike Straeuli

From: Dave Rigby <dave@kznfarmsales.co.za>
Sent: 09 November 2018 02:00 PM
To: N3Batch2@acerafrica.co.za
Cc: mareike.straeuli@acerafrica.co.za
Subject: Proposed Capacity improvements to N3 from Lynnfield Park to Gladys Manzi Road
Attachments: Comment Sheet 1.pdf; Comment Sheet 4.pdf; Letter to Acer Africa - Comment (2).docx

Dear Ms Straeuli

Thank you for your e-mail dated 23rd October 2018.

We hereby attach our previous response together with the response to the current public notice.

Also attached is a letter from the other member of the Close Corporation, Mr M A Pentopoulos.

This is a continuation of my response on Comment Sheet 4;

3. EFFECT OF PARTIAL TAKING OF LAND

The portion of our property required for the proposed widening of the R103 and the provision of a servitude road to afford other properties access is not acceptable for several reasons;

- A) This area is our “shop window” and access to our development. The access to the property provides convenience and suitability for the development. The area also constitutes a large part of the parking facility for the retail development and infringes on the secondary access and egress to the property. All these details are shown on the plans at all stages of the EIA, our environmental practitioner notified both Sanral and the Provincial Roads department as required. They did not, to the best of my knowledge, attend any of the public meetings (as prescribed) and all notices in respect of the development were sent to them.
- B) The interchange proposal, if approved, will make it necessary for the developers (Best Vest 166 cc) to completely redesign the approved development plans. The time and cost of this EIA process would be immense and is not acceptable to us.
- C) In a previous diagram the access road was going to be a 5m wide “single seal road”. This has now changed to a 5m wide gravel road. With the amount of traffic that this road will be servicing, namely Bar Circle, Debbie Hardman’s property, Gary Hardman’s property and my property, all of which have tenanted houses besides other traffic, this road will have to be a dual carriageway and be a tar road of a specified standard. The question also needs asking as to who will be responsible for the maintenance of this road? Will it be a public road or a servitude and if so there are several other issues to address. Would there be an access to our development off this road? Who would pay for the new traffic impact assessment etc etc.?
- D) In respect to the dwelling on our property (which would only be demolished on completion of our phased development) there would have to be acceptable noise abatement structures and security barriers erected. At present the R103 road is distant enough from our improvements, but the proposed road infrastructure will make noise, safety & security and litter an issue.
- E) The Close Corporation purchased the property in 2006 specifically to develop. We consulted with the local municipality and confirmed the property fell within an opportunity node, being located close to the interchange. Due to the complexity of the EIA application it has taken nine years to get approval for the development at great cost to the members of the CC. It is therefore our contention that as the proposed interchange upgrade renders the balance of the property valueless from a development perspective; the entire property should be purchased by the Road authority (SANRAL). It is noted that SANRAL has recently purchased property in the immediate vicinity owned by Rainbow Chickens (Portion 187 of Vaalkop & Dadelfontein 885) – a large percentage of which is unusable. How can they then come to us with the approach that they only want a portion of the property, and as a consequence of that action, destroy the value of the remaining piece?

- F) We have invested considerable time and resources into this project with the expectation of a return on investment. This proposed interchange upgrade has now placed our investment at risk. How does SANRAL intend to compensate us for these losses ?

4. ACCESS POINT OFF THE R103

The designated access point off the R103 (as proposed) is fatally flawed for a number of reasons;

- A) The road level of the existing road is estimated to be at least 15m above ground level where the access road is proposed. This means that to attain an acceptable gradient the access road will have to be built up from below the level of the existing dam. This will entail the moving of many hundreds of thousands of cubic meters of earth before the construction of a road can begin. Prior to that the dam would need to be relocated.
- B) The Traffic approaching from the Lion Park side is usually travelling at between 80 -120km an hour as they enter the bend passing the turnoff to Umlaas Road. This means that at the point when they arrive at the proposed access/egress, the likelihood of collisions / accidents will be heightened to unacceptable limits. It is therefore suggested that the proposed access/egress be moved to diagonally across from the existing turnoff to Umlaas Road. Although there are not significant volumes of traffic on this road at the moment, the proposed and continuing development along the Lion Park road will necessitate traffic control at this intersection.
- C) The proposed relocation site of the dam is not acceptable to us and needs to be addressed.
- D) Should the proposed access road be constructed then an underpass would have to been included to allow Mr Bekker's cattle to traverse to the property on the other side of the R103. He currently uses the existing underpass and traverses over a portion of our property (on the dam wall) to get to his property. This is not a right of way or servitude, but by permission.

5. COMMUNICATION

From our initial communication with the assigned project engineer, both Mr G Hardman and I have asked for a survey to be done and the proposed roads pegged to give us an idea where exactly the road will go. It is also queried why the municipality was not informed of the proposed interchange upgrade ? The Town Planner would have informed them of the developments already in process and approved and they could have amended their design to incorporate these developments.

Why have there not been any in-situ inspections with the affected landowners prior to the design proposal being completed? This could have resulted in a more acceptable proposal.

We would appreciate constructive engagement from SANRAL and request someone from their office to come and see us to discuss the above issues.

Yours Sincerely

D Rigby

Dave Rigby
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Any information provided in respect of the above properties is considered as an introduction and deemed confidential between the conveyer and receiver of disclosed information.