

## MOOI-MGENI RIVER TRANSFER SCHEME PHASE 2

### Response from Mziki Estates to the report published August 2008 (response made and delivered to Cymbian by the 24<sup>th</sup> September 2008)

Dated: 22<sup>nd</sup> September 2008

**From: Jonathan Parkinson (Chairman of Mziki Estates)**

**Enclosed with this document please find**

1. A letter from Jon White attorneys (representing Mziki estates)
2. A letter from Pam Golding Estates stating the estimated loss in value of the 9 properties in Mziki Estates
3. A letter from Kantey and Templar (consulting engineers)
4. A letter from Venn Nemeth and Hart (attorneys acting for landowners in the area)
5. A document from Wolfgang Kanz (Neighbour South Eastern boundary)
6. A series of photographs of the proposed pipeline route across Mziki estates in relation to the wetland/dam on the estate.
7. A letter to P.Tolksdorf dated March 2008 with original objections from JP

This document serves as a response to the *'Issues response register'* which is supposed to accurately note the various objections and respond to them. It is my contention that the objections raised were not suitably or satisfactorily dealt with, and several objections made by myself, Mziki estates, and Spico Dickson (Mziki estates) were not even recorded in the register even though they were raised on several occasions.

**Here are examples of how 'glibly' and 'inaccurately' these objections have been dealt with:**

#### **KAN4**

This is a query from Mr W.Kanz – neighbour on the North Eastern boundary of Mziki Estates. He is asking about the proposed route of the pipeline and the alternative routes. (How were they investigated, and what protocol was followed in this investigation and so on).

There was no response to this query/objection – why not?

*JJG comment: –“ what is this all about?” –That is the only comment by way of a response.*

#### **PAR1**

I mentioned about the broad diversity of nesting birdlife in the Wetland,

The response was that the pipeline was to be constructed in an 'already degraded part' of the wetland. This is grossly inaccurate and simply not true. The proposed route cuts

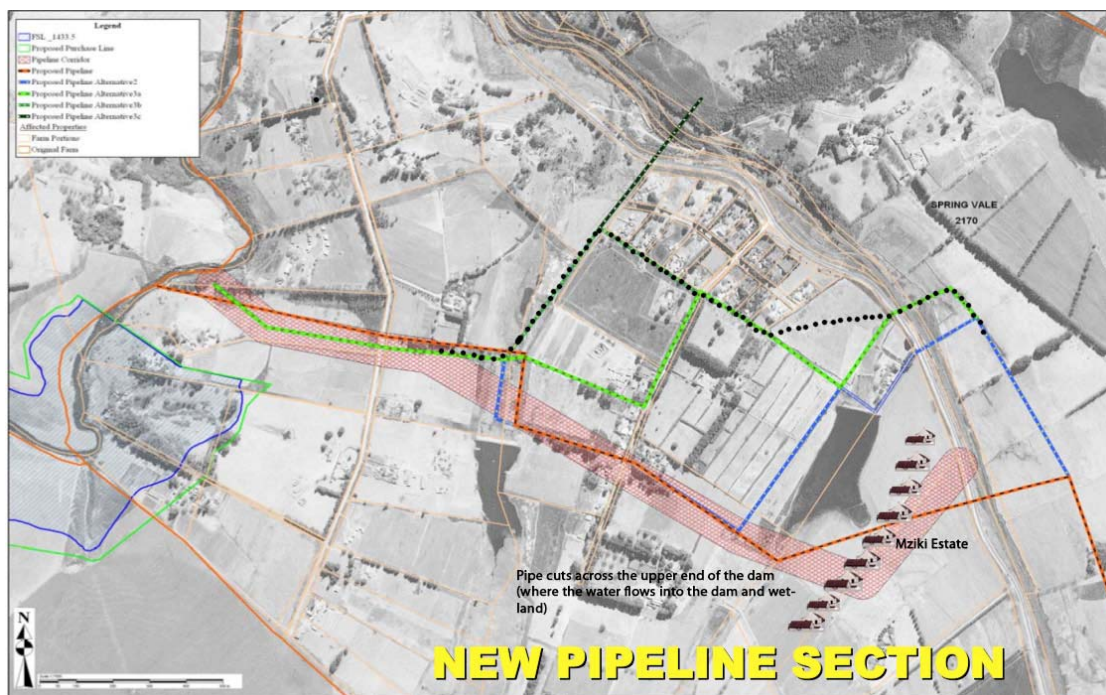
across the Southern end of the Wetland which is the water source to the wetland/dam. No mention of this in the response.

Please refer to my many photographs of the exact situation where the proposed route is to go (supplied with this document).

## PAR1

(This is hard to identify as it has the same code as my other comment).

This objection deals with the fact that the pipeline route crosses Mziki estates, cutting through the wetland and through an existing property. I also pointed out the fact that the map supplied with all the reports is an old Google earth picture that is so old, there are no houses on this area of land (which is now rezoned as Mziki estates – a residential estate and not farmland).



*As you can see from this map – I have included the Mziki estate houses and how the pipeline cuts between two of the houses (number 4 and 5) There isn't 100 metres width available (required in the construction process).*

The response once again is completely inadequate – I quote **“Comment noted. The wetlands on the route that will be impacted upon will be rehabilitated to a state that's the same/better than before.”**

How can this be considered as a response to my question? It doesn't go anywhere to answering why the map shows farmland, and the fact that the route cuts through a secure estate, close between house 4 and 5 on the estate.

Once more I do not accept this response as adequate, and therefore cannot be considered as part of the due process that is required of these procedures (by law).

## MZ11

This was an objection from Mziki Estates relating to resident buck in the area, which would be frightened away in the process of construction.

The response came back as a reference to operation Noah – which relates specifically to the building of the dam and not the pipeline. It is this lack of attention to detail that I am objecting to, and cannot be regarded as dealing with, or answering an objection.

I would also like to point out that the letter I sent to **Paula Tolksdorf of Cymbian** (representing BKS) dated 26<sup>th</sup> March 2008 recorded many different objections, and only a few of these were to be found in the ***'Issues response register'***.

- 1) **The loss of value of the properties** – this wasn't recorded as an objection, even though it is in my letter to Paula Tolksdorf (Cymbian). I therefore raise it again in this document. (*see attached letter from Pam Golding estates*). As property experts in the area, it is their opinion that these properties will lose approximately 20% in value, and as the last sale of a property was R3.8m this will have the financial cost to the Mooi Mgeni pipeline project, by way of compensation, of approximately R6.5m in total.
- 2) **The security issue** of having the construction team on a 'secure' estate – (i.e. permanently fenced with electric fencing, and the construction crew would have access to Mziki estates, thereby compromising our security) – ***not recorded in the issue register***.
- 3) **The security issue** of having a servitude with access from the dept of Water affairs – how would this work with a 'secure' estate? Once more security would be compromised. ***Not recorded in the issue register***
- 4) **The eyesore of having concrete breather pipes across our estate** – ***another issue that wasn't recorded in the issue register***

I made it very clear in this letter as to my objections and that they must be recorded in the report (which only came out in August 2008).

How can we take this process seriously if we make objections, and follow the protocol, but Cymbian, the company putting our objections forward to BKS do not follow the correct procedure.

I also enclose with this document the letter I sent to P.Tolksdorf of Cymbian via e-mail on the 25<sup>th</sup> March 2008, along with W. Kanz's comments.

Lastly and very importantly, the issue of alternative routes wasn't dealt with and hasn't been dealt with throughout the last 16 months of request for information by ourselves and Mr Wolfgang Kanz (neighbour on the South Eastern boundary)

I now refer to Mr Jon White (attorney acting for Mziki estates) and his document referring to this issue. (see attached document).

I trust that this document will be taken seriously, and that these objections will now be dealt with in a proper manner. Due process (to date) – as required by law has not been followed, and this can not go on indefinitely.

I look forward to a suitable response from Cymbian and BKS (Ms Tolksdorf, Ms Holt, Mr Gerring, Mr Teurlings and Ms Mokoena)

With regards

Jonathan Parkinson

(Chairman Mziki Estates)