

Our ref: CJH / B146

Your ref: DEA&DP Ref: 16/3/3/6/7/1/B3/28/1156/19

25 March 2020

The Managing Director  
Guillaume Nel Environmental Consultants

EMAIL: [guillaume@gnec.co.za](mailto:guillaume@gnec.co.za) & [carina@gnec.co.za](mailto:carina@gnec.co.za)

Dear Mr Nel,

**PROPOSED DUALLING OF MAIN ROAD 201, PAARL, WESTERN CAPE – COMMENT ON BASIC ASSESSMENT REPORT**

1. We act for the Loewenstein Trust ("the Trust"), the registered owner of Remainder of Farm 841 Paarl Registration Division, Western Cape and Portion 6 of Farm No 841 Paarl Registration Division, Western Cape (referred to further herein collectively as "the Property") and WDBL Agri (Pty) Ltd ("the Company") (the Trust and the Company are referred to herein collectively as "our clients").
2. The Property abuts Main Road 201 ("the road") to the West and will be affected by the proposed dualling of the road, particularly if the road reserve is extended in a westerly direction.
3. The Company plants and farms strawberries on an extensive scale on the Property, and each square metre is a precious income producing asset, which our clients must protect to safeguard the profitability of their business and the livelihood of their workforce.
4. Our clients were concerned initially that the proposed dualling of the road would extend onto the Property, obliterate valuable agricultural land and force the family that runs the business out of the home they have been living in for approximately the past 40 years. Whilst under that impression, our clients instructed us to record their objection to the proposed activity in the strongest possible terms.
5. Directly across the road from the Property, in other words to the East of the road, is the VGK Zion Church building and premises. According to our understanding of the basic assessment report, the widening of the road to its maximum width on the Eastern side of the road, could have necessitated the demolition of the church building.

DU PLESSIS HOFMEYR MALAN INC (Registration Number: 2011/134862/21)

**ATTORNEYS • CONVEYANCERS • NOTARIES**

**DIRECTORS:** JP du Plessis B Juris, LLB (UNISA), BPhil & MPhil Sustainability (US) •

CJ Hofmeyr BA LLB (US), LLM (HU-Berlin), LLM Public Law (UCT) • N Malan BA Industrial Psych (US), LLB (UNISA)

**CONSULTANT:** Tertius Maree BA, LLB, LLM.

6. We were presented with a copy of your basic assessment report, dated November 2019, and on our interpretation of the preferred alternative, it seeks to protect both the church building and the valuable agricultural land on the Property, essentially by reducing the width of the road where it runs between the Property and the church building. We say this, based on the following sub-paragraphs in paragraph 3.3 on page 15 of 79 of the basic assessment report:

Widening of road reserve further East (at the church)

*The initial road alignments indicated that the VGK Zion Church building, located on Portion 2 of Farm 844 will have to be demolished in order for the road reserve to be widened. A meeting was consequently facilitated with the Church Council on 7<sup>th</sup> June 2019. During this meeting the church expressed that they would like to retain the church building and requested that alternatives be considered for the road reserve to also extend onto the property opposite MR 201. **The total width of the road reserve was then reconsidered and reduced.** (emphasis added)*

Widening of road reserve to the West (at the church)

*The alternative to widen the road reserve to the West of the MR 201 for the section of the road where the church is located was also considered, but it was clear that profitable agricultural areas will be impacted on, as well as an existing farm house and relevant structures that would then have to be demolished. **As such, this layout alternative was not preferred.**" (emphasis added).*

7. Based entirely on the statements referred to above, our clients' instructions are not to lodge an objection against the application.
8. Our instructions are to record, though, for the sake of completeness, that our clients are opposed to any proposal to widen the road in a manner that will lead to any form of encroachment onto the Property. Based on the abovementioned statements in the basic assessment report, it is clear that there is sufficient space between the Property and the church building to cater for a reasonable road reserve, and, consequently, there is no justification for an encroachment onto the Property and for the loss of valuable agricultural land.
9. We confirm that if, contrary to what is stated in the basic assessment report, either the environmental impact assessment practitioner or the competent authority forms the view that the expansion of the road onto the Property is preferred, our clients require an opportunity to consider the information or documentation on the basis of which that view is formed, and to make representations in respect thereof before a decision is taken.
10. We confirm in conclusion our clients' request that they be acknowledged as registered interested and affected parties, if they are not already, that they be kept informed about the progress with the process, and that they be afforded an opportunity to make representations at every juncture in the public participation process.

**Yours faithfully**  
**DU PLESSIS HOFMEYR MALAN INC.**

A handwritten signature in black ink, appearing to read 'C J Hofmeyr', written in a cursive style.

**Per:**  
**C J HOFMEYR**

