

Dear WoodRocker and RESIDENT of the CITY OF JOBURG

Late in February 2019 a notice was circulated to all regarding a community meeting to be held on 7th March at Bryanston Country Club to address the community's concerns regarding issues surrounding City of Joburg TOWN PLANNING Department and recent changes that the COJ have implemented - and will implement - regarding town planning, densification, inclusionary housing, changes to the Land Usage Scheme, etc.

On behalf of WKRRRA, I attended both the large (400+ people) open meeting on Thursday, 7th March at Bryanston CC (called by residents, not COJ) as well as a follow-up meeting on Friday 15th March in Sandton. This follow-up meeting was attended by 15 people representing various Resident Associations and from there we elected a 'Steering Committee' of 5, decided on a name for the organisation, appointed Gary Dukes Attorneys as the interim communication / administration office. We discussed the meeting of 7th March in-depth and the Interim Steering Committee was tasked to produce follow-up documentation for circulation to the community and to make immediate contact with COJ regarding the communities' concerns surrounding the future of Johannesburg.

For those of you who have followed this debate in the media or via our website (under Road Closure Bulletins) you will recognise that our city is to change drastically and these changes will have a dramatic effect on your properties. As we have continuously stated, WKRRRA is not against CONTROLLED DENSIFICATION but we are extremely concerned about what appears to be draconian measures taken by the City of Joburg without any REAL INPUT from the residents / rate payers.

Please see the attachment **JUST.1 - NODAL Review** which deals with these changes / proposed changes.

At the above meeting it became clear that Resident Associations could not continue to act individually against Town Planning or the City of Joburg, and it was thus decided to form a Non-Profit Company as an umbrella body for the Resident Associations in Johannesburg, in order for that organisation to effectively deal with the City of Johannesburg, offering sound advice on the way forward and also having the 'clout' to make themselves heard.

Please see the attachment **JUST.2 - Feedback and Update** which deals with the meeting of March 7th, 2019.

Please see the attachment **JUST.3 - Community Concerns** which deals with the questions put to the City at the meeting (some from the floor but many were pre-sent to the organisers and submitted to COJ prior to the meeting, for their attention). No real answers were available from the City and their arrogance was appalling.

The next attachment **JUST.4 - Letter to the City** is the steering committee's letter addressed to the City of Joburg which will be the start of our interactions with the City.

Please note that JUST is utilising the services of Gary Dukes in the interim, until registration of JUST is affected and a Bank account and various other Administrative structures are completed.

The final attachment **JUST.5 - The Power of Many** summarises the need for all Residents Associations to stand together and points to the various immediate issues that need to be addressed.

WKRRRA's initial sentiments on the above are:

- That it is comforting to know that we are not the only resident association that is grappling with a non-responsive Town Planning Department.
- That the pressures we feel around uncontrolled densification are valid and are experienced by many others in the community.
- That our extreme concerns surrounding the provision of adequate utilities, environmental control / greening of areas, transport and traffic congestion etc. are shared by many.
- That the money we have already spent on professional services to no avail demands a serious rethink on the way we approach our neighbourhood's challenges.
- That the Precinct Plan that we produced and submitted to COJ in 2015 was never considered and is still 'lying in wait' on some COJ employee's desk.
- That all our formally prepared and delivered Objections to certain changes in our area were never really taken into account, and that no respected action by COJ took place.

- That we have no real way forward on our own, and that the creation of an 'umbrella body' of passionate, law-abiding, forward thinking Resident Associations is the way to go.
- That there is NO REAL PUBLIC PARTICIPATION when COJ changes existing By-Laws and Structures and that the proposed By-Laws give all power to City Officials – Judge / Jury / Executioner.
- That the community WANTS to work WITH the City of Joburg in designing a City which will accommodate everyone and to bring our myriad skills to assist in a City we are happy to pass on to future generations.
- That we need to be part of a pro-active and strong group of people who will, if/when necessary, legally challenge the COJ and hold the COJ accountable to the people.

Where to from here?

- JUST is needing funding – whether by individuals or by organisations such as Resident Associations. Please see the information attached and know that even a R100 individual donation will assist.

WKRRA has pledged R10,000 from our Professional Fund, which is one-third of our previous non-productive “Attorney spend” and 50% of what Melrose & two other RA’s have pledged.

- JUST is needing passionate, skilled people to join the committee, either as full time Committee Members or part-time Advisors – do **YOU** have something to offer for the future of Johannesburg?
- JUST is needing people to pass on the above message to EVERYONE who lives in Johannesburg, so that our City Management can truly become accountable to the residents.

Yours sincerely

Wendy M. Robertson

Director - WKRRA

Woodmead Khyber Rock Residents Association

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NODAL REVIEW AND RELATED MATTERS

- THE SPATIAL PLANNING SYSTEM (SPLUMA)
- MUNICIPAL PLANNING BY-LAW
- POLICY (SDF) AND REGULATION (LUS) REQUIREMENTS
- TRIBUNALS

THE MUNICIPAL PLANNING BY-LAW

- BACKGROUND
- CONTENT
- MUNICIPAL SPATIAL DEVELOPMENT
FRAMEWORK
- LAND USE SCHEME
- PROCEDURES AND REQUIREMENTS
- OTHER INCLUDING SDZ AND INCLUSIONARY
HOUSING

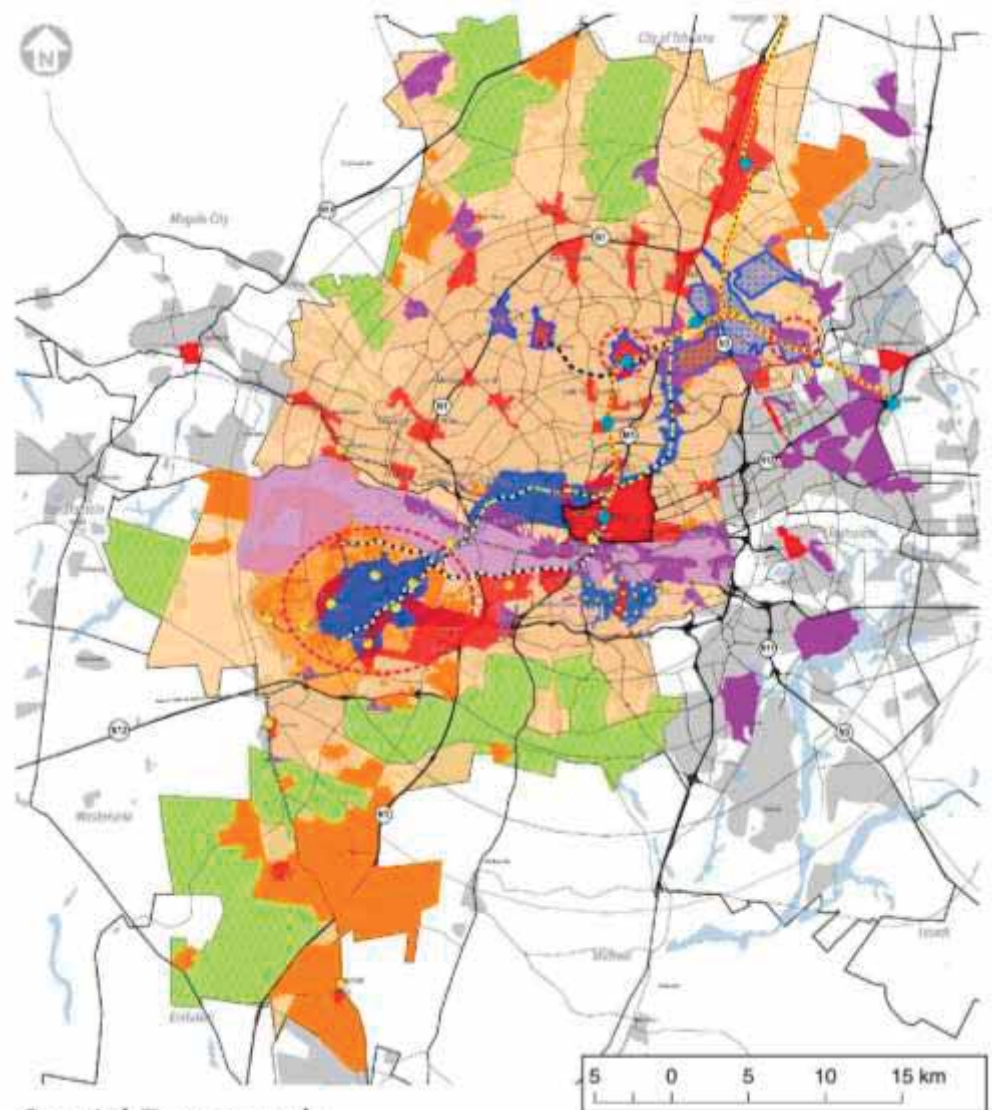
MUNICIPAL PLANNING BY-LAW

SOME IMPORTANT PROVISIONS FOR LAND
USE APPLICATIONS (SECTION 5):

- SPLUMA PRINCIPLES
- COMPLIANCE WITH MUNICIPAL SPATIAL
DEVELOPMENT FRAMEWORK
- NEED, DESIRABILITY
- COORDINATED AND HARMONIOUS
DEVELOPMENT

NODAL REVIEW

- EXISTING APPROVED SDF, 2016
- HIERARCHY OF SPATIAL PLANS:
 - IDP/GDS
 - SDF
 - RSDF
 - PRECINCT PLANS/SAF
- SDF URBAN DEVELOPMENT ZONE AND DENSITIES
- SDF DEVELOPMENT GUIDELINES



Spatial Framework

INTEGRATED TRANSPORT NETWORK

- Railway Stations
- Gautrain Stations (Current Network)
- BRT Nodes
- TOD Precincts
- Gautrain Line (Current Network) copy
- Gautrain Line (Potential Future Link) copy
- Railway Lines
- BRT Backbone

ECONOMIC BACKBONE

- Principal Metropolitan Sub-centre
- Inner City (Metropolitan Core)
- Urban Node/Area
- Industrial Nodes
- Mining/Soft (Mixed Use Area)
- PUBLIC TRANSPORT BACKBONE
- Express Feeder / Local Route CoP
- Turfloop CoP
- Green CoP
- Randburg - OR Tambo Candidate Elements

CONSOLIDATION ZONE

- Consolidation Zone
- Strategic
- Dependent Areas
- NATURAL STRUCTURE
- Wetlands and Waterbodies
- C-Plan Area Coverage
- Area beyond LOD
- Gauteng Built-up Areas
- CC/Boundary

Table 6: Density and land use mix regulations

Target Locations/Spatial Elements		Density /Mix Regulations	
		Housing Density (per erf) ⁶⁸ (du = dwelling units)	Land Use Mix Allowed (in order of preference) ⁶⁹
1 Transformation Zone	Inner City	Urban node guideline for CBD to apply (see below)	As per approved local SAF/PP/UDF/Urban Performance Measures and guidelines (section 8.3)
	Corridors of Freedom	Apply public transport density and Corridors of Freedom guidelines	As per approved local SAF/PP/UDF/Urban Performance Measures and guidelines (section 8.3)
	Soweto	Subject to provisions and guidelines emanating from approved Strategic Area Frameworks to be developed	As per approved local SAF/PP/UDF/RSDF
	Mining Belt		As per approved local SAF/PP/UDF/RSDF
	Randburg- OR Tambo Corridor	Guide Density: 40 du/ha	As per approved local SAF/PP/UDF/Urban Performance Measures and guidelines (section 8.3)
	Minimum: 60 du/ha	As per approved local SAF/PP/UDF/Urban Performance Measures and guidelines (section 8.3)	
2 Consolidation Zone	Deprivation Areas/ (Re) Urbanisation Focus	To be determined per proposal - an urban design/typology issue and not a density issue. It will therefore be dealt with by the development control indicators outlined in this SDF.	As per approved local SAF/PP/UDF/RSDF

NODAL REVIEW

AN UPDATE OF SDF, 2016:

- INTRODUCES NEW DEVELOPMENT ZONES AND MAPPING
- INTRODUCES NEW DEVELOPMENT AND DENSITY GUIDELINES

LIMITED PUBLIC PARTICIPATION

APPROVED BY MAYORAL COMMITTEE ON 6 DECEMBER 2018

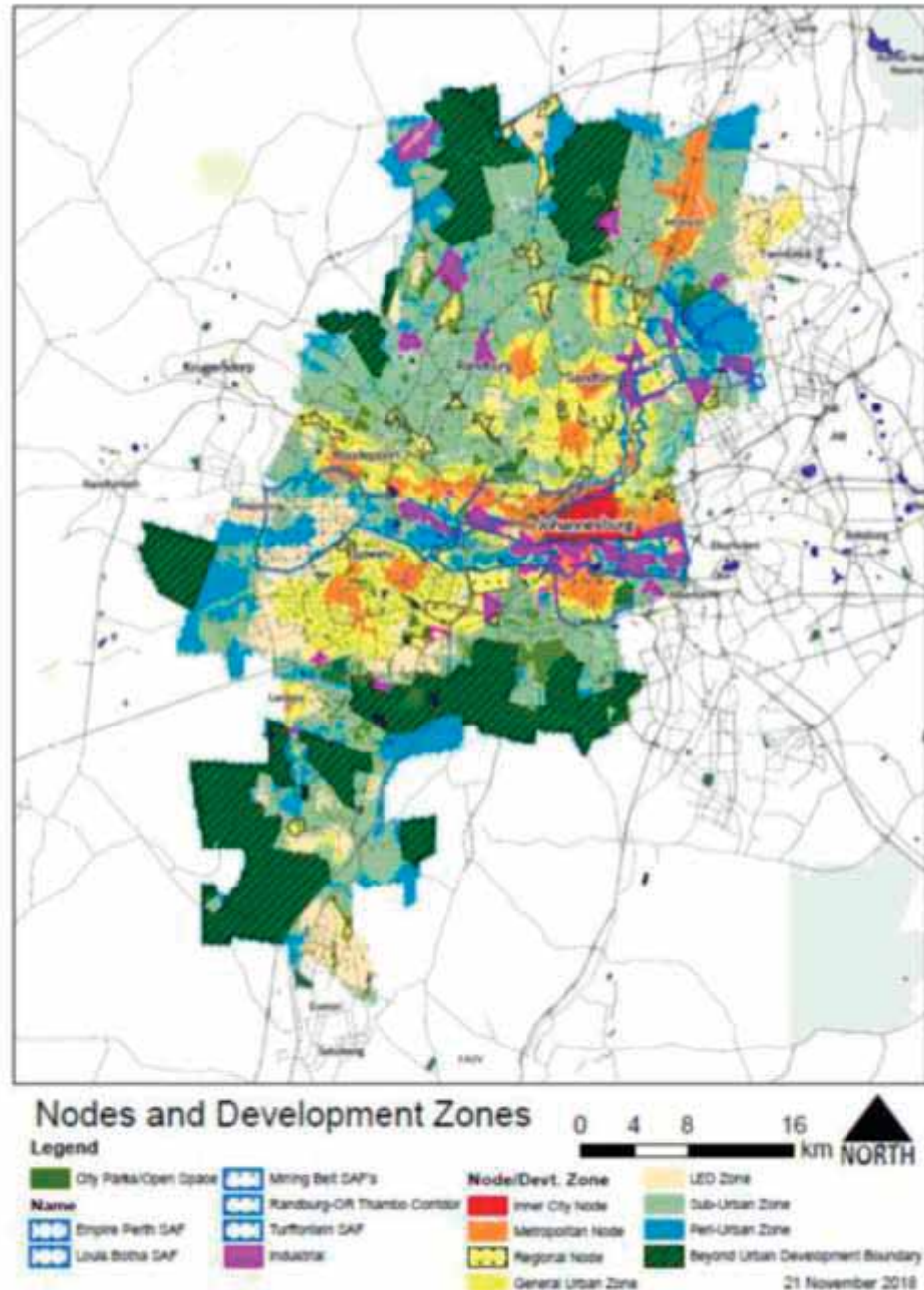


Figure 7: Nodes and Development Zones



Residential Density (DU/ha)

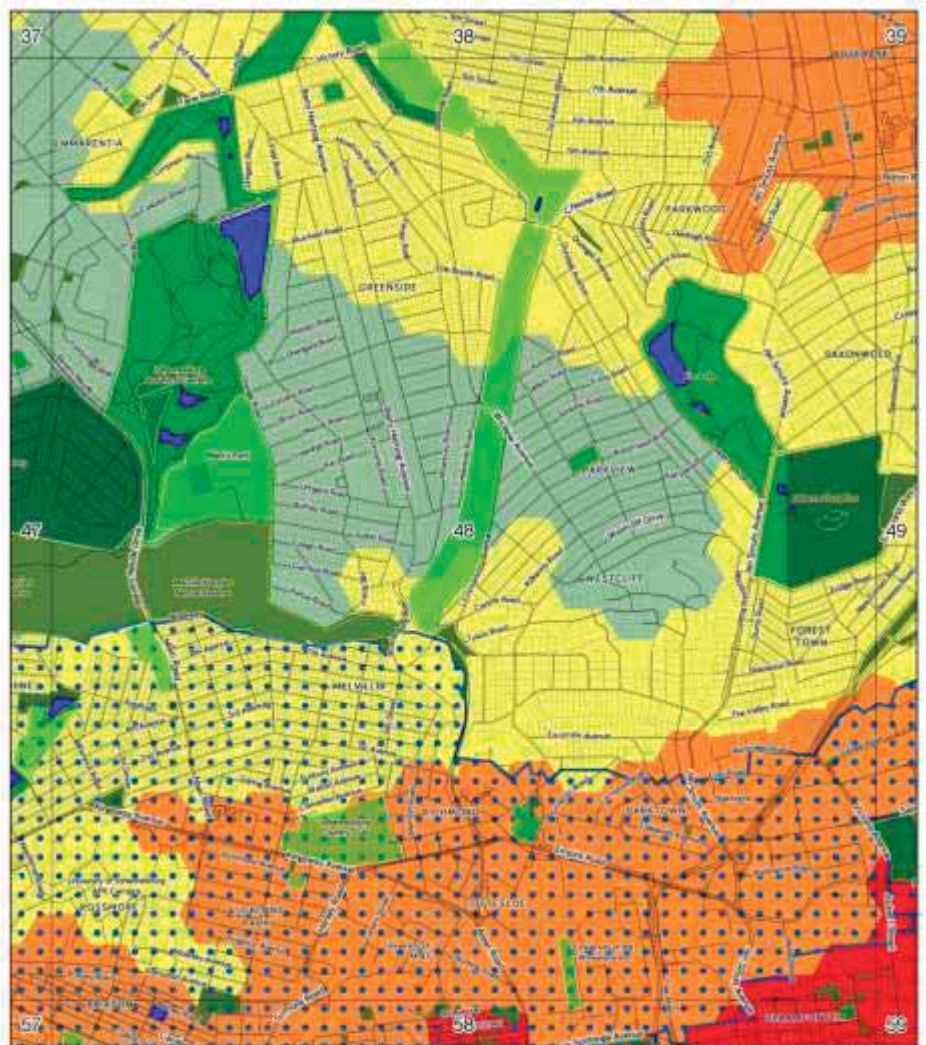
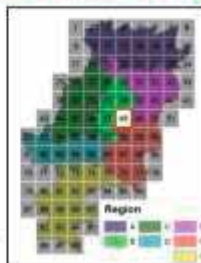
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21 November 2018

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Nodes and Development Zones

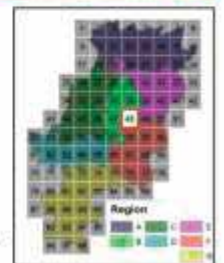
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21 November 2018

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Metropolitan Nodes

Character of the Node/Zone	Land use Mix Guidelines	Development Guidelines (general Principles)	
		Residential Density	Height
CHARACTER & DEVELOPMENT INTENT: Secondary Mixed use/commercial nodes..	DESIRED / ENOURAGED: Highest Mix of Land Uses (up to 100% of floor area per building may be for non-residential, but internal mix per building promoted). ..	DESIRED / ENOURAGED: Within nodal core and around transit stations a density of 150+ du/ha. MINIMUM: 80 du/ha..	DESIRED / ENOURAGED: 3 to 20 (with surrounding built form, area character, physical and geographic considerations and motivation) ...

Suburban Zone

Character of the Node/Zone	Land use Mix Guidelines	Development Guidelines (General Principles)	
		Residential Density	Height
CHARACTER & DEVELOPMENT INTENT: Medium to low density residential areas..	Mainly residential, but with local non-residential functions supported as per scheme. Where high streets are present, higher mix and intensity of land uses supported (as with the General..	As per index section 4.2 Additional density can be considered based on contextual assessments, site specific merits and inclusionary housing.	Up to 3 or as per scheme Additional heights can be considered based on con-textual assessments and site specific merits...

Agricultural/Peri-Urban Zone

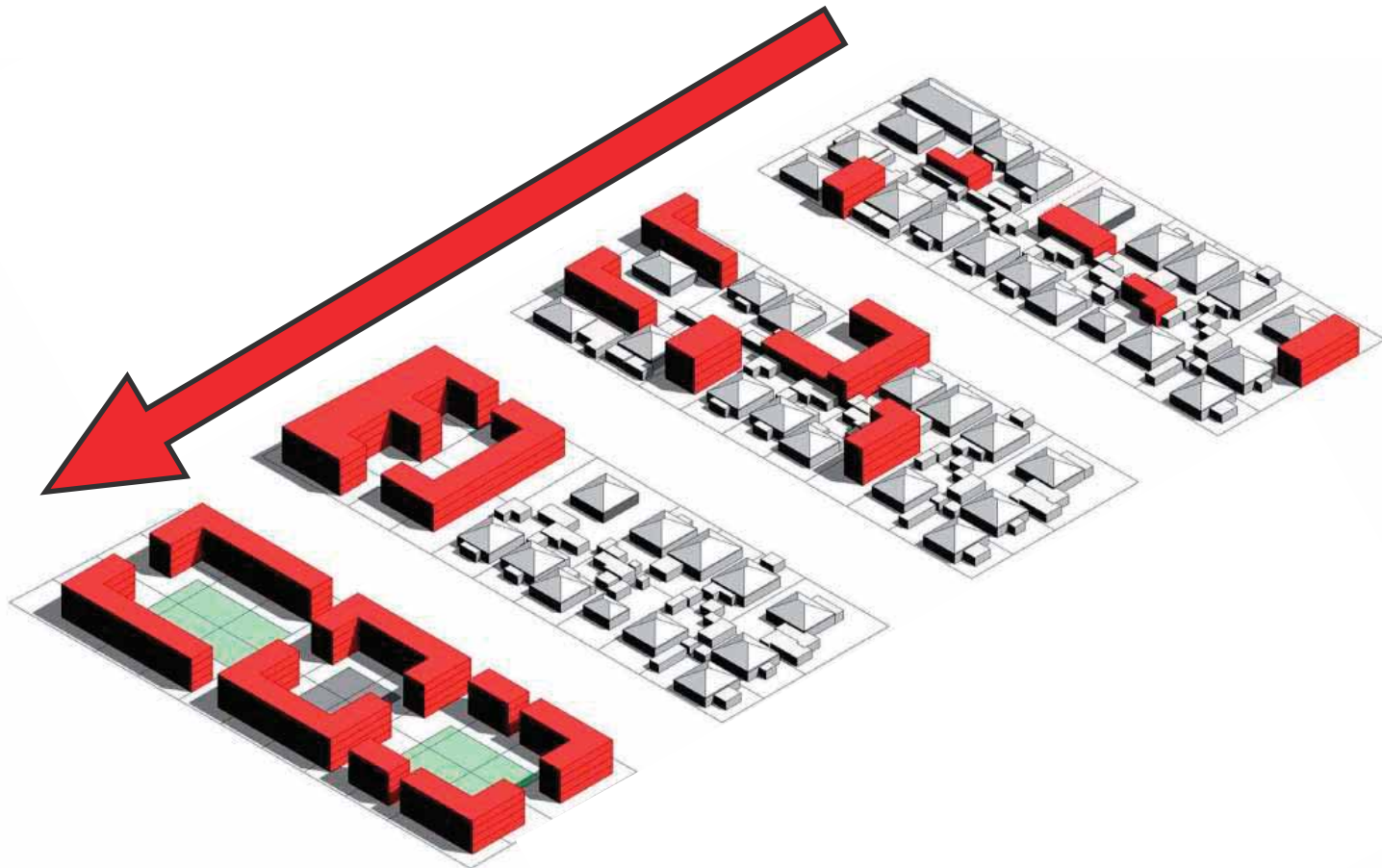
Character of the Node/Zone	Land use Mix Guidelines	Development Guidelines (general Principles)	
		Residential Density	Height
CHARACTER & DEVELOPMENT INTENT: Low density and intensity...	Agricultural or low inten-sity residential uses. Non-residential uses as per scheme.	As per index section 4.2	As per scheme

NODAL REVIEW

ISSUES ARISING:

- TRANSECT APPROACH AND CRITERIA
- DENSIFICATION OF EXISTING AREAS
- EXTENT OF CHANGE PROPOSED
- INADEQUATE ASSESSMENT OF EXISTING INFRASTRUCTURE, SOCIAL FACILITIES, ETC.
- ADEQUACY OF TOOLS FOR IMPLEMENTATION (DETAILED PRECINCT PLANS, INFRASTRUCTURE UPGRADES, LAND USE APPLICATIONS)
- INCREASED CITY OBLIGATIONS (ADMINISTRATIVE, FINANCIAL, LEGAL)
- DIVERSE INTERPRETATION BY OFFICIALS/TRIBUNALS
- IMPACT ON ESTABLISHED NEIGHBOURHOODS

LOW TO HIGH DENSITY TRANSITION



NODAL REVIEW

- **QUESTION**
- Was provision made for infrastructure upgrading?
- Was consideration taken of the effect on the City's tax base prior to the City considering same?
- This would entail detailed precinct planning and identify consequences of policies such as this, has this been undertaken?

LAND USE SCHEME

- APPLICABLE FROM 1 FEBRUARY 2019
- CONSOLIDATION OF NUMEROUS SCHEMES
- NO NEW MAPPING
- NEW LINKS TO SDF POLICY
- TEETHING ISSUES

LAND USE SCHEME

SOME CONCERNS:

- PUBLIC CONSULTATION PROCESS
- CHANGES TO ZONING CATEGORIES
- CHANGES TO DEFINITIONS
- CHANGES TO BUILDING LINES
- INTRODUCTION OF TAVERNS/SHEBEENS/SPAZA SHOPS IN RESIDENTIAL ZONING USE OPTIONS
- SUBSIDIARY DWELLINGS AND ROOMS
- SUBDIVISIONS OF LARGER ERVEN (WITH NO MINIMUM SIZE)
- CLAUSE 24 AGRICULTURAL USE
- IMPACT ON PROPERTY VALUES, ETC.

LAND USE

- QUESTION
- The new policies reduce site boundaries and offer no protection for the tree canopy. No current mechanism exists in land use for the retention of existing trees when an SDP is submitted and most sites are already graded flat by the time the SDP is drafted and circulated. How does the city expect to preserve the urban forest?

INCLUSIONARY HOUSING

- WHAT IS INCLUSIONARY HOUSING
- NEW POLICY ADOPTED 19 FEBRUARY 2019.
- LIMITED PUBLIC PARTICIPATION
- ALREADY INCLUDED IN SDF, 2016 AND LAND USE SCHEME, 2018
- THRESHOLDS
- OPTIONS 1, 2, 3, 4
- CURRENTLY BEING APPLIED
- CONCERNS ABOUT IMPLEMENTATION

INCLUSIONARY HOUSING

- **QUESTION**
- The Council has the postal/email address of every ratepayer, so why did they not include information about the proposed policy along with the monthly rates account? This would genuinely allow for proper public participation

This is how the legislation will affect you:

1. The character of your neighbourhood is about to drastically change;
2. You were not properly consulted;
3. This will negatively affect the provision of municipal services such as electricity, water and sewerage;
4. There is no coherent plan to handle the increased traffic that will result from such densification.
5. This legislation could result in spaza shops and shebeens in your neighbourhood;
6. You may have an office block, high rise apartment block or even a warehouse as your new neighbour;
7. The right to object and be notified has been minimized;
8. Procedures to effect these changes have been greatly simplified;
9. Non-agricultural uses will be permitted in agricultural areas;
10. All erven throughout the City are entitled to add two additional dwellings to their existing residential properties;
11. The urban forest will be destroyed;
12. Building lines will be relaxed;
13. all in the name of densification.

With such radical densification there will be:

1. a lack of open spaces and social facilities;
2. the collapse of electricity and water supply, stormwater and sewer systems and consequential environmental damage;
3. flight of taxpayers to places that offer better quality of life with the resultant drop in taxes received by the Municipality



DUKE ATTORNEYS

OUR REF: G Duke/M357

YOUR REF:

DATE: 20 March 2019

Concerned Residents of Joburg
PER EMAIL

Dear Concerned Resident,

COMMUNITY INITIATIVE: JOBURG UNITED FOR SUSTAINABLE TOMORROW

We have been mandated by the Steering Committee of **JUST** (Joburg United for Sustainable Tomorrow) to communicate with all those who were present at the meeting held on 7th March 2019 at the Bryanston Country Club to keep you informed of progress made since that meeting and to communicate a summary of that meeting to all those who could not attend but have asked to be kept informed.

MEETING OF 7 MARCH 2019

The meeting was attended by more than 400 concerned residents (with many apologies). The power point presentation by Steve Bayliss (town planner) and myself is annexed hereto marked A for those who were not able to attend the meeting and for the many who did attend and have asked for a copy). Additional speakers gave testimony of how they are already being negatively affected by this legislation. City officials were also given an opportunity to address the concerns. They dismissed all concerns raised, stressing the need for densification. Due to a lack of time, questions from the floor could not be put to and answered by the City officials. Those questions have been collated and a copy thereof is annexed hereto marked B. A video summarising the meeting is being created which will be distributed to all on this email list as soon as it becomes available.

Based on the presentations by all parties it was evident that the new policies will have a substantial impact on all residents in the City. Of greatest concern is the failure to provide adequate infrastructure to service this radical densification of the City (water, sewage, electricity, roads and waste disposal) and the callous disregard for how this legislation will affect existing communities. The impact of the legislation is substantial and will change the character of many suburbs.

There has been a great deal of support communicated to us since that meeting, from which it is evident that there are a lot of frustrated, angry residents who were

completely unaware of the scale of the proposed changes about to be implemented by the City of Joburg.

What was also clear from the correspondence was that there are lot of Joburg residents who are committed to this City, realistic about the need for change and growth but deeply concerned at the substantial defects in the legislation which has the potential to damage the future of the greatest City in Africa. A further concern is the arrogant attitude of the City in dealing with residents and the disdainful disregard for meaningful public participation in this process.

It was evident from the above that there is both a need and a desire for an organisation to be formed that will be the mouthpiece of the residents of Joburg to engage with the City and, if necessary, hold it to account.

WHERE TO FROM HERE?

Last week Friday a steering committee was formed to create a Non Profit Company for that purpose, consisting of Advocate Peter Buirski, Rosemary Sandison (Kyalami) Charmaine Zambeti (NORFED) Rob Lage (Hurlingham Manor) Markus Scheuermaier (JUFA) Jannie Potgieter (Ferndale). Together they have skills in NGO's, town planning, legal, finance and in Residents Associations.

The name **JUST** has been reserved and the intention is to have the company in place within the next few weeks. It will then open a bank account and start actively engaging with you.

A letter has been sent to the City asking them to respond to the questions raised by residents at the meeting. A copy of that letter is annexed hereto marked C.

JUST is not opposed to change, nor is it opposed to densification. It's vision is to engage with residents to formulate an alternative, rational proposal which will serve the need for growth and change but in a sustainable manner where development is appropriate, phased in and which doesn't negatively affect property values, ensuring the adequate availability of schools, parks and the public amenities that make a liveable City.

JUST is committed to a long-term vision for a dynamic, energetic, sustainable Joburg for all its residents and desires to play a role in ensuring that vision is realised.

YOUR VOICE COUNTS

JUST is there to represent you, the residents of Joburg. But **JUST** can only do this with your support, your input and your contribution.

Tired of being railroaded by the City?

Tired of being ignored at hearings with the City?

Tired of sitting in traffic for hours on end?

Tired of failing infrastructure?

Tired of being tired?

Become part of the solution. Let your voice count.

JUST will need your voice, your time and your money.

JUST will be communicating with you in the next few weeks to provide a further update and to tell you how you can get involved. **JUST** needs you as much as you need **JUST**.

If you are willing to contribute your time and skills to this initiative, please reply to this email with your details. We would love to hear from you.

If you are willing to contribute financially to this initiative, please effect payment into the following bank account:

Duke Attorneys Trust

Absa Fourways

Branch code: 632005

Account number: **409 467 7972**

And send us your proof of payment (with your contact details: we would love to thank you!)

AND WATCH THIS SPACE..... !!!!!

Kind Regards

A handwritten signature in black ink, appearing to be 'GARY DUKE', written in a cursive style.

GARY DUKE
DUKE ATTORNEYS

**QUESTIONS FROM COMMUNITY MEETING
HELD AT BRYANSTON COUNTRY CLUB 7TH MARCH 2019**

1. PUBLIC PARTICIPATION

- 1.1 If the Council is so open to the community why have we had to engage through the Access to Information Act to find out about 'behind the scenes negotiations with developers without community engagement – a case in point is the WHISKIN development?
- 1.2 The Constitution is Supreme. Why are the COJ regulations not in line with the Constitution, and why has there not been sufficient public participation?
- 1.3 How much public participation has taken place and when was there public participation?
- 1.4 How can we as residents best support your (The City's) efforts to transform our unequal unjust city to become a better place for all?
- 1.5 What background (research) and public participation has contributed to these plans?
- 1.6 How is COJ satisfied that there was sufficient Public Participation? Please let us see your process and how you quantify sufficient participation?
- 1.7 Having followed planning in Joburg over the past 10 (ten) years, the removal of the RSDf and the replacement of blanket zones seems to be a Top-Down approach. City of Johannesburg has recognised the mistake in disbanding the Regional Municipal Courts; this (*new*) Top-Down approach takes decisions away from the communities who are closest to the Region. Can COJ consider a regional approach to planning with more community input (which results in better understanding of each community's needs)? Those without access to internet and town planning knowledge have not had a chance to give input into these policies.

2. LAND USE

- 2.1 The MMC Mr. Masango and the Mayor Mr. Machaba opened a 630-unit Condo in December 2018. You were informed that it is illegal. There were no occupation certificates. There were illegal water connections used by the developer amongst others. Will you continue to approve illegal developments or will you halt the developments where there have been illegalities?
- 2.2 The MMC stated in a public meeting in Carlswald that no developments over 20u/ha will be approved on the edge of the Urban Development Boundary and within the Crowthorne area. Will the Department honour this commitment?
- 2.3 Has anyone studied the effects of shebeens on residential areas? In Randburg it is known that these are a law unto themselves and extremely loud amongst others thus creating a neighbourhood disturbance.
- 2.4 Apart from individual residences, how will our green areas be affected? The spruit? The Delta and green areas? Will they be kept or eroded?

- 2.5 Given the potential damage to the “Green lung” aspect of the City of Johannesburg, what amendments have been or will be done in respect of the impact on the quality of the air if the “forest” has been depleted in the name of growth?
- 2.6 What will happen to the water attenuation if the trees are replaced by concreted building and the resultant flooding?
- 2.7 Will the current Environment Impact Assessment regulations and NEMA still apply and be considered?
- 2.8 A shebeen in a residential neighbourhood will affect neighbours, the land use scheme does not permit consumption or gathering but this will happen outside the shebeen. Who will ‘police’ this considering that I have been trying to get a building inspector to look at illegal buildings in our area for over 6 months now?

3. NODAL REVIEW

- 3.1 In an area zoned orange/metropolitan (as per Nodal review) that has heritage status (Parktown West) the majority of homes are heritage status. Will the heritage status (of homes and suburbs) be respected? How can this be integrated? Was this considered when rezoned?
- 3.2 Was the Nodal review outsourced? If so who? How much did it cost? Property developers have already been granted rights in terms of this – perhaps been encouraged to do so by Council. How can we be assured that we will be listened to? Surely the date of 20 May contradicts this invite that we will be listened to – the Nodal Review should be put on hold until consensus has been achieved.

4. GENERAL

- 4.1 The opening slide makes reference to SPLUMA but no mention was made of the National Building Regulations section 7.1 which states that Local Council shall refuse to grant or approve any development that may or in fact will denigrate from the value of neighbouring properties. The Constitutional court ruling handed down on the 19th February 2019 against the City of Cape Town confirmed the sanctity of 7.1 of the National Building Regulations.
- 4.2 A recent High Court ruling stated that decisions of local councils cannot be made based on an event that may or may not take place in the future. Is the Council going to require that all amenities in an area are provided by the applicant prior to approval i.e. parks, schools crèches, medical clinics, roads, hospitals etc.? If not, they are contravening a High Court ruling.
- 4.3 We can’t have Global North’s perspectives in a Global South perspective. Zain Ally stated that they (*City of Johannesburg*) looked at Seattle (*Global North USA*). We (*South Africa*) cannot (*do the same*) because we must consider the Rio Declaration Agenda 21, we must also consider Carbon sinks and biodiversity pools in Forest Nations like Jozi. We must understand terrain in terms of mining and earth tremors and densification.
- 4.4 Zayne Ally stated that density and height should be downgraded adjacent to a low-density area and urban development boundary. Will this be honoured with regard to the Kyalami Corner and Carlswald applications or is this just cheap speak?

- 4.5 Buildings have been approved in contravention of NEMA and the zoning regulations by the Building Plan approval Department. The BCO has been removed in the meantime however the building still stands. Since 2017 I have been writing to the Mayor, the MMC and the City Manager, I have yet to receive a response to my request for a meeting. Mr. MMC your words about being open to the community are hollow. Are you forcing members of the community to meet you in the courtroom?
- 4.6 Is the City Council going to update their application documentation regarding different submission i.e. site development plans, relaxation, consent etc. and if so when will they be made available? Can they be downloaded from the website?
- 4.7 Dear City Officials, what are your values? Clearly there is a huge breakdown of trust! What will you do to fix this?
- 4.8 Zain Ally - You said that registered letters will go to your neighbours and consent must be obtained. 100%? What if they did not receive these letters? What happened in the case of Ferndale (304 Main Avenue) the example that was given by the Chairperson of the Ferndale Residents Association where the objectors did/could not receive the letters as the addresses that the City Council used wholly incorrect. There are many other examples of the neighbours not being notified.
- 4.9 What do we have to do when processes are not followed by Town Planning? Residents' objections are not circulated. Tribunals are held irregularly etc. Sewage etc. reports are reversed. Appeal results are not circulated etc. (Woodmead and Khyber Rock Residents Associations)

5. IMPACT

- 5.1 To what extent has the 4th generation been taken into account? Over the coming 10 (ten) years fewer people will need to travel to work by use of new technology. Has this been taken into consideration?
- 5.2 Buildings account for 40% of carbon emissions. How does the city intend to offset emissions given densification and potential destruction of urban forests?
- 5.3 The philosophy behind these policy documents is to reduce all to the lowest common denominator – capital does not work like this. How do you anticipate keeping the owners of capital in the City when their need and wants are not being met? (Sun Valley Residents Association)
- 5.4 “Growth for the sake of growth is the ideology of the cancer cell”. This overall philosophy behind the “plans” is for the mixed use over the city, negating the need for the land use department. How will this department be redeployed? Mixed use will change many by-laws e.g. noise – from 45Db to 95Db – the end of Department of Environmental Health? How are these employees going to be redeployed? (Sun Valley Resident Association)
- 5.5 The City has insufficient funds. If the City relies on bulk services from developers to do infra- structure development it implies that residents are held to “ransom” by the developers for any infrastructure improvements. Will this model be changed to meet the real needs and wants of the residents?

- 5.6 The City is not implementing or policing the restrictions of certain zones by relaxing the rules. You are letting developers run free!
- 5.7 How can the City justify their policies in the light of Section 7.1 of the National Building Regulations which states that a local authority must refuse any development that may or will derogate the value of the neighbouring property? The Constitutional Court Ruling of 19 Feb 2019 confirmed the sanctity of Section 7.1 of the National Building Regulations. Thus, it implies that the whole policy is unconstitutional.
- 5.8 There will be no single traditional single dwelling suburbs in Johannesburg – the city will have no variation of character of suburbs. Even high-density cities London, New York, Paris, Sydney have differentiated character suburbs. Is this really the intention of the vision of the city planners?

6. LACK OF SERVICES

- 6.1 We have experienced a 12 months delay to deal with one illegal business. What provision has been made to deal with the mountain of objection which will be received in respect of these developments? Glen Austin Conservatory
- 6.2 Midrand has no fire engine, how does the city intend to manage fires or other disasters with higher densities when it can't manage the current requirements?

7. QUALIFICATION

- 7.1 Can every person in the panel stand and introduce themselves with the Degree they hold and years' experience in the various fields in order to establish their qualifications to hold their positions in the Department of Development?
- 7.2 Are there qualified Town Planners involved? Johannesburg is still about the only country in the world which has no official public transport system. The Gautrain is by no means sufficient and too expensive. Look at Beijing, Moscow and New York etc. Midrand is a high-density area but the traffic of New Road (Midrand) has been narrowed and no alternative road is provided by the City of Johannesburg. What portion is allocated for Green Zones?
- 7.3 MEC what qualifications from a tertiary institution do you and your colleagues hold to qualify you to hold this portfolio and to execute your duties?
- 7.4 Many of these changes have been proposed without considering the existing home owners who have chosen to live in quiet peaceful suburbs. There has to be some consideration for this. Have those in charge some post-matric Diplomas or Degrees when considering these changes? It seems that not a great deal of thought has been put into these proposals.

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DUKE ATTORNEYS

OUR REF: G Duke/RCJ
YOUR REF:
DATE: 20 March 2019

City of Johannesburg
Attention: Reuben Masango
PER EMAIL

Dear Councillor Masango,

JUST: MEETING OF 7 MARCH 2019

We act on behalf of JUST - a non-profit company in the process of being formed which is a result of the community initiative that took place at the Bryanston Country Club on the 7th of March 2019.

We attach hereto the list of questions addressed to the City of Johannesburg that were taken from the floor at the meeting which could not be answered due to the lack of time. We look forward to your written answers to same which will be distributed to all the attendees of the meeting.

We were asked by one of your staff members to let us have a copy of the attendance register from the aforementioned meeting. Our instructions from our client are that we are not authorised to release such list to yourselves. This was not your meeting but a private meeting to which you were invited to answer questions and the release of such a list to yourselves would be a violation of the POPI Act.

It remains our client's contention that the Nodal Review Policy, as currently structured, is not in the best interests of the residents of the City of Johannesburg and that there was inadequate and unreasonable public participation and that these defects in the policy and process attendant thereto are so egregious as to require that the City of Johannesburg should abandon the process hereto instituted. To the extent that the City of Johannesburg may seek to implement some variation of these policies and is desirous of fulfilling its constitutional mandate to provide democratic and accountable government for local communities, it will be obliged to commence the process of public participation afresh on the basis of a reasonable and proper notice and comment procedure in which ordinary citizens are afforded access to information such that they can be meaningfully involved in the process.

We await your reply to the questions set out herein.

Regards

A handwritten signature in cursive script, appearing to read 'G. Duke', enclosed within a faint, light-colored rectangular border.

GARY DUKE
DUKE ATTORNEYS



DUKE
ATTORNEYS

WHERE TO FROM HERE?

- THE POWER OF MANY
- A: Talking to the City
- Nodal review policy
- Window of opportunity!
- B: Time to litigate
- Land Use Scheme
- Inclusionary Housing Scheme
- Time is short
- Costs?

JUST
for
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NPC

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MAKE YOUR VOICE COUNT!