



The Municipal Manager
Ndlambe Municipality
By e-mail: portalfred@ndlambe.co.za

George Poole
chair@kentonratepayers.co.za
13 February 2020

And to:

The Director: Infrastructural Development
Ndlambe Municipality
By e-mail: townplanning@ndlambe.gov.za
FOR ATTENTION: Mrs. N Booysen-Willy

And to:

DAPHNEY TITI
ADMINISTRATION OFFICER
TOWN PLANNING
email: dtiti@ndlambe.gov.za

And To:

Ntombolo Ngxwashula
Email: "Ntombi Ngxwashula" <townplanning@ndlambe.gov.za>

And To:

Kholofelo Radingoana
Email: kradingoana@ndlambe.gov.za

Re: Application for Sub-division of Erf 3134 and Consolidation with Remainder of Erf 3139 Kenton-on-Sea

Dear Sir,

We refer to the meeting with Ms Ngxwashula, Mr. Radingoana and the architect for the Developer and Applicant at your offices on 11 February 2020. As the Applicant had failed to furnish KOSRA, as an objector, with a copy of its response to our objections ("the Response"), you very kindly furnished us with a copy at the end of the meeting. We have now perused the Response. While KORA is not, in principle, against the establishment of another filling station and shops in the area, in the light of the contents of the Response, we feel it essential to bring to your attention – and to the attention of the Tribunal which will consider this matter - certain facts.

These are:

1. On Page 2 of the Response, the Applicant alleges that not one of the objectors has objected to the subdivision and consolidation. This is incorrect, as reflected by the Applicant's own statement on the first line of its own list of objectors on page 1 of the Response. This is also clear from our letter of objection sent to the Municipal Manager and the Town Planning Department on 4 July 2019.
2. In the Applicant's conclusions on Page 13 of its Response, it emphasizes that the application is for the re-adjustment of internal boundaries of erven, and objections

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should therefore have been confined solely to the merits of that application in isolation. That argument is disingenuous and fallacious. In its Motivation Report dated April 2019 attached to the Application, under the heading “Reasons for the Application,” the Applicant states “The owners intend to subdivide....in order to erect a shopping centre and offices...It is intended to erect a service station on the Remainder of Erf 3139.”

Thus, the application for subdivision and consolidation cannot be regarded in isolation. By the Applicant’s own express admission, it is just one more inexorable step towards its ultimate object – namely, the establishment of a service station and shopping centre at a busy and an already repeatedly fatal intersection.

As such, every step in the process of obtaining all necessary approvals can only correctly and reasonably be regarded in the light of the eventual object – and objected to accordingly.

3. The Traffic Impact Assessment dated December 2016, being Annexure G to the Response is equally disingenuous. It reflects, in Paragraph 4.2 on Page 8 thereof, that a Traffic Impact Assessment (“TIA”) was done in December 2004, and another one was done in May 2015. The report then stated that the count in 2004 of 620 vehicles in an hour reduced to 574 vehicles in a corresponding hour in 2015, and that this reflected a negative traffic growth rate.

From an alleged traffic expert, this conclusion is not only startling, but grossly misleading and raises questions, at the very least, as to the professional competence of the traffic expert. Anyone familiar with this area, and indeed with the whole of the South African Coast, is fully aware that the traffic on the coast during the December holiday period is vastly higher than during May. It should be noted that Royal HaskonigDHV (PTY) Ltd (the traffic expert) is based in Port Elizabeth, and therefore should know better.

Contrary to the fallacious and seriously misleading conclusion proposed by the traffic expert, what is clear from the report is that the traffic in the Kenton area has increased so much in the 11 years from 2004 to 2015 that the normal traffic in May 2015 is nearly equal to the unusually high traffic in December 2004.

Another factor is that the vast increase in traffic at the intersection during the holiday period – especially the December/January one - must also be taken into consideration in considering the safety aspect at the intersection of the R72 and the R343.

Indeed, the traffic in the Kenton area has continued to increase exponentially since May 2015 and any assessment of traffic volumes in relation to a proposed development would be nugatory unless it is absolutely current. This application cannot reasonably be considered either by Ndlambe Municipality or SANRAL without two new and current TIAs – one during a normal month and another during the holiday period in December. Unfortunately, the Applicant failed to furnish KOSRA with a copy of its Response in November 2019, as we understand it was required to do. If it had done so, KOSRA would have pointed this essential requirement out then, and a TIA could have been done in December 2019. Thus, a valid assessment of high season traffic can only be obtained in December 2020. This application therefore cannot properly and responsibly be considered either by Ndlambe or SANRAL until after that date.

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It is estimated that the population of the area increases from about 23 000 during the rest of the year to about 52 000 in the holiday period. The traffic at the intersection increases accordingly. The congestion on the R343 at the intersection with the R72 during this period is already untenable, with cars often backed up for up to 500 metres. With the added traffic to the fuel station and shops, and the congestion at the entrance/exit at Oettle Street, it will become impossible.

On the other hand, if one blindly accepts the conclusion drawn by the traffic expert that the traffic in this area has declined – and no doubt will continue to decline - then the proposed development is destined to become a white elephant, and should, for this reason alone, not be allowed.

4. The minor cosmetic measures recommended in the report for pedestrians in an area already fraught with fatal and serious accidents are derisory.
5. The traffic expert recommends the installation of a left turn deceleration lane on the eastern side of the R343 approaching Oettle Street. It should be noted that the pavement along the eastern side of the R343 carries heavy pedestrian traffic in the mornings and afternoons, being people walking to and from work in Kenton from Ekuphumleni. Having to negotiate this lane and the resulting traffic would constitute an added danger to their already hazardous trip from and to work.
6. The traffic expert states in Paragraph 5 on page 9 of its report that “it should be noted that the proposed Service Station is not designed or intended for the refuelling of heavy vehicles.” No indication is provided as to how access for heavy vehicles will be prevented. If it is proposed to install booms and tight turns to prevent access to heavy vehicles (which is nowhere even mentioned), this could not possibly be true, as it would also prevent access by the very tankers who need to deliver fuel to the Service Station. One can only conclude therefore, that this is merely a vague glib statement, intended to allay concerns about traffic and congestion.
The true position is that it will be impossible to prevent heavy vehicles from entering the Service Station. The prospect of heavy vehicles approaching from the west turning across the traffic on the R72 and then negotiating the acute corner at the Oettle intersection is dismaying. This is exacerbated by the prospect of those same vehicles negotiating the same acute corner to re-enter the R343 and then turning right onto the R72 to continue their journey. When the traffic is already backed up past the Oettle intersection in holiday times, the result will be utter chaos.
7. In Paragraph 3.3 on Page 5 of the traffic expert’s report, it alleges that the 500m radius building restriction area imposed in the National Roads Act does not apply, as “the area of Kenton on Sea through which the R72 passes is thus clearly an urban area to which the building restriction area does not apply”. This allegation appears to be contradicted by SANRAL itself. Otherwise, why is the speed limit imposed by SANRAL 80kmh, rather than the normal limit of 60kmh applicable in urban areas? The 2 circumstances are mutually exclusive. Either SANRAL must accept that this part of the R72 is in an urban area, and must impose the generally mandatory safety measures on busy thoroughfares and intersections, including 60kmh speed limits, speed cameras and traffic lights at busy intersections. Otherwise, if this is not an urban area, then the 500m radius building restriction area applies, and the development cannot proceed.

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8. Finally, KOSRA, without taking this proposed development into account, has already sent 5 communications to SANRAL requesting the speed limit on the relevant section of the R72 to be reduced to 60kmh, speed cameras to be installed, and traffic circles to be installed at all 3 intersections in the area. No positive response has yet been received or action taken. These measures and possibly, traffic lights at the intersections of the R343, the entrance to Boesmans and the entrance to Marselle, might possibly address some of the concerns set out above, but would still leave the problem of the congestion at the Oettle Street intersection unsolved.

In all these circumstances, the Application for subdivision and consolidation, as a necessary and integral step towards a filling station and shopping centre in this precise position should – particularly for traffic and safety reasons - be declined.

We would suggest that the applicant consider siting a development such as the one contemplated on the other side of the R72, with access remote from the R72 and congested intersections, where traffic and safety will not be an issue.

Yours sincerely,
George Poole
For KOSRA.

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