



SafeWaterkloof Urgent Court Application- Update

Saturday, 26 September 2020

When the City of Tshwane (CoT) failed to give final consideration to SafeWaterkloof's (SW) application for monitored access, notwithstanding approval by its various internal departments, a decision was taken to launch an urgent application to the High Court to compel it to do so.

This application was set down for hearing on Tuesday, 22 September 2020 and after protracted discussions between both parties' legal representatives and officials of CoT, the following order was made on Friday, 25 September 2020:

1. the decision by CoT not to previously convene a meeting to consider SW's application was deemed unlawful and set aside;
2. its application will now serve before the Municipal Planning Tribunal (MPT) on 30 September 2020 for consideration and approval;
3. we will be advised of the outcome within one week and thereafter advertisements will be placed in the Provincial Gazette and in 2 newspapers advertising the monitored access;
4. the application will again be served before the MPT on 27 January 2021 for consideration, and the making of a recommendation to CoT's Executive Authority for a final decision;
5. in the event of the Executive Authority failing to take a decision within six weeks, the decision of the MPT will prevail; and
6. CoT were also ordered to pay the SW legal costs.

While SW wished for immediate authorisation of the monitored access of Waterkloof and Waterkloof Ridge, certain set procedures need to be followed by CoT before this can take place. The concern of CoT officials was that, if CoT due process was not followed, it opened the door for objections to what has been achieved so far, to be set aside and further delayed.

As opposed to CoT having made no attempt to consider our application, it is now bound by set timelines which, if not followed, allows SW to again approach the court on an urgent basis. SW is also in a position to approach the court at any time should circumstances in Waterkloof change.

The timelines for approval and execution are as follows:

1. Municipal Planning Tribunal (MPT) approval on 30 September 2020;
2. Authority given to place SW advertisements on 7 October 2020;
3. Municipal Planning Tribunal (MPT) final approval on 27 January 2021;
4. CoT 6 weeks processing of approval, etc. by 10 February 2021;
5. Tender for installation of security gates and fencing and Security Service Providers (SSP's);
6. Appointment of contractors and SSP's 10 March 2021; and
7. Commence with construction 15 March 2021.

Subject to the above process taking place and the necessary authority obtained from CoT, we foresee commencement with the monitored access in mid-March 2021. Residents who have not yet signed up to SW are to consider becoming a member as the only way we will overcome the crime wave in Waterkloof is if we stand together.

In preparation for the closure, SW will shortly be approaching residents for payment of the second deposit. Please support this initiative, it's the only viable option to keep the suburb safe.

Waterkloof Homeowners Association is very grateful to resident Advocate Linde Putter SC for his pro bono work on the matter. Without assistance from Linde, and that of his Junior, the court case would not have been possible to secure the SW initiative proceeds in an expedient timeframe.

Waterkloof Homeowners Association is also very grateful to Findlay & Niemeyr Attorneys who once again assisted Waterkloof. Thank you to all residents who have registered with SW and paid Deposit 2. We firmly believe this is the only way to secure the future of the suburb and we need your support to make this possible.