

# **APPENDIX: E**

## **Public Consultation**

## **Public Participation Process (“PPP”) undertaken:**

A PPP under the 2014 EIA Regulations as amended was undertaken as part of the Basic Assessment process, which included the following:

- Placing site notices at the entrance to Kenilworth Road and Van Vuuren Road and placing two site notices on the property fence next to the R64 road;
- Placing adverts in the Volksblad (25 April 2019) and the BloemNuus (25 April 2019) newspapers;
- a Notification and Background Information Document (“**BID**”) regarding the project was sent to all identified Interested and Affected Parties (“**I&AP**”). This includes adjacent landowners, stakeholders and relevant authorities. Please refer to Appendix E5 for the I&AP list.

A time period of 30 days was allowed for the public to register and / or send their issues and concerns regarding the project to Turn 180 Environmental Consultants.

After the 30 days, the Draft BAR was also sent to all relevant authorities and registered I&APs.

# **APPENDIX: E1**

**Proof of placement of relevant advertisements  
and notices.**

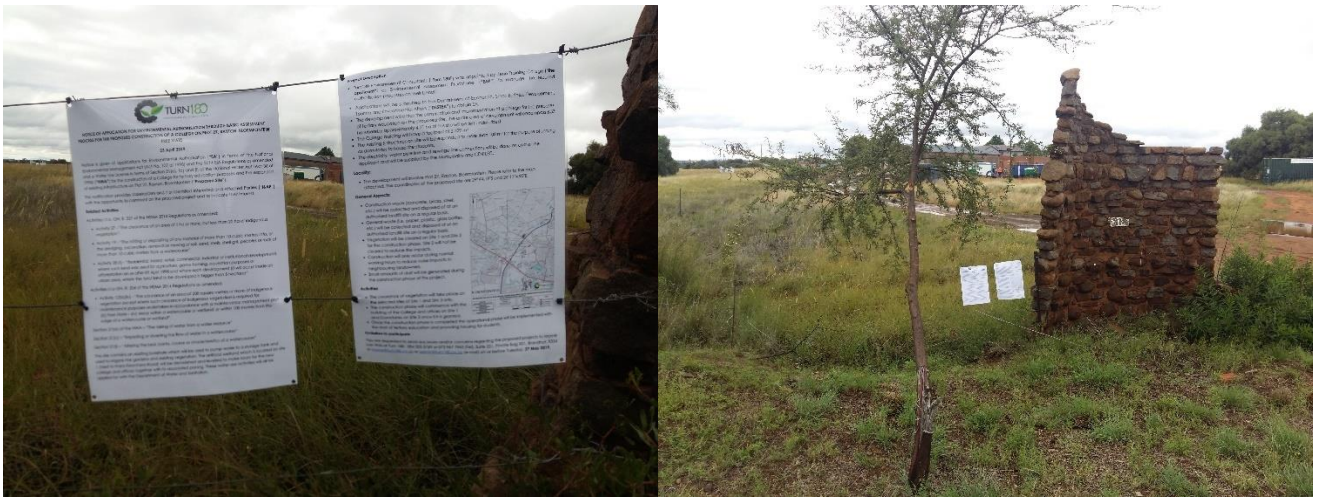




# Proof of site notices placed:



Site notice 1 at corner of Frans Kleynhans Road and Gravel Road



Site notice 2 at entrance to Plot 27 (site) in Floors Coetzee Road

# **APPENDIX: E2**

**Proof that adjacent landowners and stakeholders received written notification**

## Example of the Notification and BID sent to adjacent landowners and stakeholders:



### NOTICE OF APPLICATION FOR ENVIRONMENTAL AUTHORISATION THROUGH BASIC ASSESSMENT PROCESS FOR THE PROPOSED CONSTRUCTION OF A COLLEGE ON PLOT 27, RAYTON, BLOEMFONTEIN, FREE STATE

23 April 2019

Notice is given of applications for Environmental Authorisation ("EA") in terms of the National Environmental Management Act (Act No. 107 of 1998) and the 2014 EIA Regulations as amended and a Water Use License in terms of Section 21(a), (c) and (i) of the National Water Act (Act 36 of 1998) ("NWA") for the construction of a College for tertiary education purposes and the expansion of existing infrastructure on Plot 27, **Rayton**, Bloemfontein ("Proposed Site").

This notification provides stakeholders and / or identified Interested and Affected Parties ("I&AP") with the opportunity to comment on the proposed project and to indicate their interest.

#### Related Activities

Activities i,Lo, GN. R. 327 of the NEMA 2014 Regulations as amended:

- Activity 27 - "The clearance of an area of 1 ha or more, but less than 20 ha of indigenous vegetation".
- Activity 19 - "The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse"
- Activity 28 (i) - "Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares"

Activities i,Lo, GN. R. 324 of the NEMA 2014 Regulations as amended:

- Activity 12(b) (iv) - "The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan – (b) Free State – (iv) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland".

Section 21(a) of the NWA – "The taking of water from a water resource"

Section 21(c) – "Impeding or diverting the flow of water in a watercourse"

Section 21(i) – "Altering the bed, banks, course or characteristics of a watercourse"

The site contains an existing borehole which will be used to pump water to a storage tank and used to irrigate the gardens and existing vegetation. The artificial wetland which is located on site 1 (next to Frans Kleynhans Road) will be demolished and levelled to make room for the new college and offices together with its associated paving. These water use activities will all be applied for with the Department of Water and Sanitation.

#### Project Description

- Turn180 Environmental Consultants ("Turn 180") was appointed by Jenn Training College ("the applicant") as Environmental Assessment Practitioner ("EAP") to manage the required authorisation processes on their behalf.
- Applications will be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs ("DESTE") to obtain EA.
- The development will entail the construction and implementation of a college for the purposes of tertiary education on the proposed site. The entire area of development will encompass 8.57 ha whereby approximately 4.21 ha of this site will be left undisturbed.
- The College building will have a footprint of 2 329 m<sup>2</sup>
- The existing 5 structures on site will be expanded to more than 100 m<sup>2</sup> for the purpose of serving as dormitories to house the students.
- The electricity, water pipe line and sewage line connections will be done on cost of the applicant and will be supplied by the Municipality and CENTLEC.

#### Locality:

- The development will involve Plot 27, **Rayton**, Bloemfontein. Please refer to the map attached. The coordinates of the proposed site are 29°44.19'S and 26°11'4.90 E.

#### General Aspects:

- Construction waste (concrete, bricks, steel, etc.) will be collected and disposed of at an authorised landfill site on a regular basis.
- General waste (i.e. paper, plastic, glass bottles, etc.) will be collected and disposed of at an authorised landfill site on a regular basis.
- Vegetation will be cleared on Site 1 and Site 3 for the construction phase. Site 2 will not be cleared to reduce the impacts.
- Construction will only occur during normal working hours to reduce noise impacts to neighbouring landowners.
- Small amounts of dust will be generated during the construction phase of the project.

#### Activities

- The clearance of vegetation will take place on the selected sites of Site 1 and Site 3 only.
- The construction phase will commence with the building of the College and offices on Site 1 and Dormitories on Site 3 once EA is granted.
- Once the construction phase is completed the operational phase will be implemented with the start of tertiary education and providing housing for students.

#### Invitation to participate

You are requested to send any issues and/or concerns regarding the proposed projects to Morné van Wyk at Turn 180: 084 205 5769 or 072 967 7962 (Tel), Suite 221, Private Bag X01, Brandhof, 9324 or [morne@turn180.co.za](mailto:morne@turn180.co.za) or [admin@turn180.co.za](mailto:admin@turn180.co.za) (e-mail) on or before Tuesday, 27 May 2019.





## PUBLIC PARTICIPATION PROCESS

Proposed clearance of vegetation for the establishment of an agricultural related sales and storage area on the remainder of the farm Outspan 1960, Bloemfontein, Free State.

<b>Landowner Name:</b> (Individual/MPY/TRUST/CC)	
<b>Contact Person:</b>	
<b>Farm name and number adjacent to area under investigation</b>	
<b>Contact detail of Contact Person given above:</b>	<b>Tel:</b>
	<b>E-mail:</b>
	<b>Fax:</b>
<b>Physical address:</b>	
<b>Comment or any concerns:</b>	
<b>Signature and date:</b>	

**Proof of Notification and BID sent to adjacent landowners and stakeholders:**

Signed acknowledgement of receipt:



REGISTRATION NUMBER: 2018/110720/07

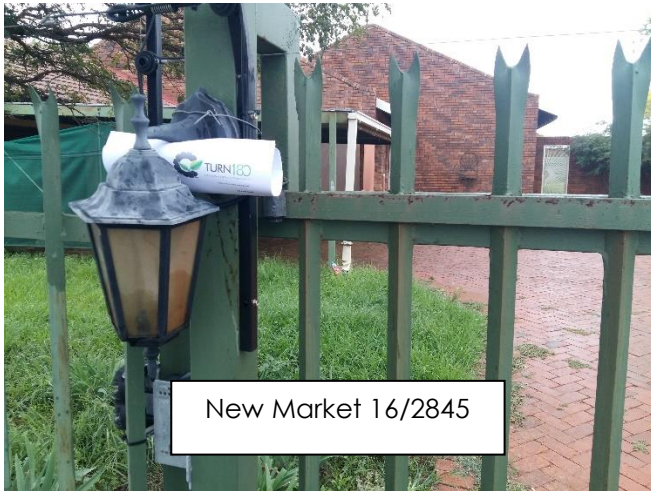
18 April 2019

**ATTENDANCE REGISTER FOR THE INFORMING AND HANDING OUT OF THE BACKGROUND INFORMATION DOCUMENTS FOR THE PROPOSED DEVELOPMENT OF A COLLEGE ON PLOT 27, RAYTON, BLOEMFONTEIN, FREE STATE.**

By signing the attendance register you confirm attendance of the meeting as indicated above.

Name:	Capacity:	Address:	Telephone Number:	E-mail:	Signature:
Werner Joubert	GM	Plot 9 Frans Kleyntjans Groenheide	0790915652	gme@kingsestate.co.za	
FRANZ NEL	OWNER	8LOT 2 FRANS KLEYN MAUSLOOT	091 234 7999	FRANZNEL@LIVE.COM	
Chantyn Utterden	GM	9 New Market street	0824121224	chantyn@vodkmail.co.za	

Name:	Capacity:	Address:	Telephone Number:	E-mail:	Signature:
Edche Pincus	Plot 23 Floris Coetzee		072149 2877	solwace@gmail.com	



New Market 16/2845



Rayton, Portion 11




Rayton, Portion 29





Proof of registered mail:

None


Email delivery reports:

Rayton, Plot 27 (Turn 180)

 morne <morne@turn180.co.za>  
To: 'xgrafies@gmail.com'

 Reply  Reply All  Forward 

Thu 2019/05/09 09:37

 190509 Plot 27, Rayton BID.pdf  
1 MB

Good day Mr. J. Pretorius (Ward 48 Councillor)

Please find attached a Background Information Document ("BID") for the "Notice of an application for environmental authorisation to obtain a construction permit for the construction of a college and expansion infrastructure on Plot 27, Rayton, Bloemfontein, Free State.

Please feel free to contact us for further project information.

Thank you and have a nice day.

Kind Regards

Morne van Wyk  
Turn180 Environmental Consultants  
084 205 5769

# **APPENDIX: E3**

## **Comments and responses report**

## Comments from I&AP regarding Notification and BID sent:

### Summary of comments and responses:

Summary of main issues raised by I&APs	Summary of response from EAP
<p>Mr. Eddie Pienaar informed Turn 180 that a meeting will be held by the residents of the area concerning the development and that all information regarding this process made available to them.</p>	<p>The response was that the environmental part of this project was still in the first phase of information gathering and that no formal documents or reports have been submitted. It was also informed that we were in the initial stages of collecting I&amp;AP information and conducting specialist studies. This information would be sent as soon as it was available.</p>
<p>SAHRA indicated that buildings older than 60 years are protected and that a PIA and HIA will have to be done.</p>	<p>A HIA and PIA is attached in Appendix D in the BAR.</p>
<ul style="list-style-type: none"> <li>• E J von Maltitz, owner Plot 14 Rayton Estates</li> <li>• D M von Maltitz, owner Plot 15 Rayton Estates</li> <li>• E J von Maltitz, owner Plot 17 Rayton Estates</li> </ul> <p>1. Who authorised the developer to start with the erection of buildings on plot 27 Rayton Estates, when it is only now in a process of a preliminary Environmental Assessment? Can the developer (1) be ordered to cease activities, and possibly (2) be forced to remove unauthorised structures erected on the site, and (3) be appropriately fined for the number of days erection has proceeded without proper authorisation?</p> <p>2. All ground in that area contains Basotho burials dating from c.1900 to c.1960. What plans has the developer made to locate these graves, exhume the contents, and re-intern them at a time and place to suit the descendants and families?</p> <p>3. Plot 27 may fall under previously named subdivision 2 of portion Rayton</p>	<p>A Heritage Impact Assessment was conducted by a specialist (i.e. Dr. Lloyd Rossouw) and no Basotho burials were found on the site. It is also highly unlikely there are any Basotho burials on site as the entire area is underlain by dolerite with very little overburden. This is a very hard rock to excavate and for that reason it is unlikely that this was the preferred site for any burials. Please note that if any graves or artefacts of significant heritage value is unearthed the project must cease and a specialist must be contacted, and the South African Heritage Resource Agency should be notified.</p> <p>As previously mentioned, the applicant appointed qualified town planners to submit an application for rezoning of the property to make provision for the proposed land use. As mentioned above, a Heritage Specialist was appointed who did not locate any graves on the site. There is also no evidence available to support the claim that there are burial grounds located on the property. An ecological assessment was also done on the site and the specialist made no reference to the nests of European Bee-eaters. He did record African Bullfrogs in the artificial wetland located on the south western boundary of the site and recommended that that they be relocated to an area with similar conditions if they will be impacted on by the development. The proposed site for development is the area located directly south of the existing structures and it is not expected that there will be an impact on</p>

no. 431 of the farm Tempe 2277. If so, it falls under transfer deed of sale 333 of 1943 and map 700 of 1942 which contains building restrictions limiting the placement of any buildings erected thereon.

4. The wholesale compaction of a large area has possibly destroyed the location of graves, and definitely destroyed the nesting areas of European Bee-eaters. Are these same activities going to take place on the living areas of the terrapins in the wetland, or will they be relocated to another wetland nearby?

5. Floris Coetzee is a right-of-way for the local residents, who are limited by zoning to one household per 2 hectares. The servitude width of 16 metres for the road includes the main backbones of fibre-optic cables of two suppliers on both sides of the road. From Cockram Road onwards it also encloses the underground cables for Woodlands' electricity supply. Obviously, any increase in traffic would have to cater for the safe and viable connection of this traffic to both Floris Coetzee and the heavily overloaded Frans Kleynhans, and the flow of traffic at the intersection of the two. It is my considered opinion that the sort of increase envisaged, catered in the developers plans for more than 200 parking bays, will exceed what can be considered a safe amount of traffic, and will inevitably lead to multiple collisions.

6. The proposed development will also require proper waterborne sanitation, which, according to the developer, will be supplied by Mangaung Municipality. If this is the case, I

the frogs or wetland.

A Traffic Impact Assessment ("TIA") was conducted and found that Frans Kleynhans road is near its allowable limit for this development as well as future developments in the area. The TIA recommends that the Frans Kleynhans road be upgraded with an extra lane as well as additional turning lanes. The upgrade of Floors Coetzee road will have to be done and covered by the proposed project and will be considered by the applicant. Keep in mind that Floors Coetzee street is located within the applicant's site boundaries and no prior permission was given (unless it can be supplied) to build this road as well as the installation of fibre-optic cables.

A new utilities upgrade is currently underway opposite the site in Frans Kleynhans road which aims to increase water supply and upgrade the sewage lines. Only when this upgrade is completed will the new development make use of such services and connect to it at their own expense. For the time being, it was indicated by the applicant that on-site septic tanks will be used for the disposal of sewage and a contractor will be appointed to empty and maintain the tanks regularly. Turn 180 Environmental Consultants can unfortunately not comment on other properties surrounding the proposed development.

According to the Mangaung Metro SDF the Rayton area is earmarked for future residential development. As previously mentioned, according to site plans, Floors Coetzee Street is located on the applicant's land. The corridor of Frans Kleynhans is rapidly developing, and expansion is inevitable with increased traffic already significantly increasing the noise pollution as a result of already developed areas such as Woodland Hills. The TIA report also mentioned numerous plans that are pending for new developments along Frans Kleynhans road which will further increase noise.

If the project is authorised the hostels will be able to accommodate 200 student and lecturers. However, it was confirmed that only about 50 – 100 students will make use of the hostels. If the proposed project is authorized, the applicant will adhere to strict curfew periods for students, with no

presume the other plots of land zoned similarly to plot 27 in Rayton Estates, will thus be similarly treated to sewage updates and rezoning, to say, 12 houses per hectare at least. This will of course place further TRAFFIC burdens on the road which it cannot carry, hence it would be fairer to treat ALL ground in the area on the same scale and NOT apportion all possible future expansion to only one plot of ground.

7. The residents of Rayton Estates established their homes in a preferred rural setting of quiet solitude. In fact, the residents arranged for the tar surface of Floris Coetzee and Cockram at their own cost. To now be faced by the establishment of an institution with constant traffic on their private right-of-way, and the possibility even of having hostels established by that establishment for student housing, and the resultant after-hours noise pollution, is just NOT acceptable.

8. If the building zoning is relaxed to allow the establishment of this tertiary training college, and it fails, as no doubt it will, the owner will then apply for the rezoning of the then existing buildings to include business rights, such as required for a business park. This will place a traffic disaster on the usage of Frans Kleynhans, as no matter how much you would want to change it, Frans Kleynhans could NEVER become a proper 4-lane highway into town because of the lack of width under the SANRAL bridge, which bridge SANRAL will NOT rebuild for lack of forward planning re usage of the road by Mangaung Municipality.

9. Section 7(1)(b)(ii)(ccc) of the National Building Regulations and Building

excessive noise being generated after 21:00. This question cannot be answered as it is assuming events that have not yet taken place or may never. In the event of another rezoning of the property to obtain business rights (according to your scenario) the TIA will have to be updated and will confirm if the road can handle the traffic or not. As indicated before the area is earmarked for future residential development. The college will implement policies for housing of students to prevent disturbance to adjacent landowners.

These comments were received by the applicant and they will be sent to the relevant authorities for their feedback and consideration.

Standards Act No.103 of 1977 states that the local authority should refuse to grant its approval where a building would "probably or in fact derogate from the value of adjoining or neighbouring properties". There is no doubt whatsoever that this is the case in the proposed development, especially due to the extent of road usage and possible erection of hostels. (Who will be responsible for policing the occupants and their activities?)

10.The above Standards Act No 103 also states that building activities prior to written authorization carries a fine of R100 per each day of such activities.

11.I would appreciate it if permission is NOT granted for the proposed development of Plot 27 for the above reasons, as any such development affects us negatively both materially and aesthetically, as well as endangering our lives with traffic congestion.



Letters from authorities and organs of state:

Mangaung Metro Municipality (Ms. M. Kolobe):



DIRECTORATE  
PLANNING

Our Ref: EIA/05/2019

Your ref: College and expansion of infrastructure on plot 27 Rayton

Enquiries: M. Ramongalo

Date: 16 May 2019

TURN 180 Environmental consultants  
Private Bag X01  
Brandhof  
9324

Email: admin@turn180.co.za

**PUBLIC PARTICIPATION PROCESSES FOR THE PROPOSED CONSTRUCTION OF A COLLEGE AND EXPANSION OF INFRASTRUCTURE ON PLOT 27 RAYTON, BLOEMFONTEIN.**

Reference is made to your letter received by this office regarding the above-mentioned application.

This office requests more information concerning the proposed development in order to give meaningful comments. A hard copy of the environmental report must be submitted to this office for review and comments. In the report to be submitted it must clearly be demonstrated in which way the proposed development will meet the requirement of sustainable development. It must also consider energy efficient technologies and water saving devices and technologies for the proposed development. This could include measures such as recycling of waste, the use of low voltage or compact fluorescent light instead of incandescent globes, maximising the use of solar heating, management of storm water, the capture and use of rainwater from gutter and roof and the use of locally indigenous vegetation during landscaping and the training of staff to implement good housekeeping technique light pollution, air quality, water use and management and solid waste management.

Should more information be required, please contact this office

Kind Regards

  
**Ms M. Ramongalo**  
**Manager Environmental Assessment**  
**Environmental Management**


PO Box 3704, Bloemfontein 9300 Room 1017, 10th floor, Bram Fischer Building, Cnr Nelson Mandela & Markgraaff Street  
Tel: +27 51 405 8577: E-Mail: Mpolokeng.Ramongalo@mangaung.co.za, Website: www.manguang.co.za

AT THE HEART OF IT ALL

SAHRA (Ms. R. Redelstorff):

Rayton College

Our Ref:



an Agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za  
South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
www.sahra.org.za

Enquiries: Ragna Redelstorff  
Tel: +27 (0)21 202 8661  
Email: redelstorff@sahra.org.za  
CaseID: 13750

Date: Tuesday May 07, 2019  
Page No: 1

**Letter**

**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999)**

**Attention:** Jenn Training College (Pty) Ltd

205 Nelson Mandela Drive  
Bloemfontein  
9301

**Application for Environmental Authorization to obtain a construction permit for the construction of a college and expansion infrastructure on plot 27, Rayton, Bloemfontein, Free State.**

Thank you for your notification regarding the construction of a college and associated infrastructure on Plot 27, Rayton, Bloemfontein, in the Free State Province. In terms of the National Heritage Resources Act, No 25 of 1999, heritage resources, including archaeological or palaeontological sites, graves older than 60 years, structures older than 60 years are protected. They may not be disturbed without a permit from the relevant heritage resources authority. This means that prior to development it is incumbent on the developer to ensure that a Heritage Impact Assessment (HIA) is done. Any heritage resources that may be impacted such as archaeological or palaeontological resources, built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or views must also be assessed.

If the property is very small or disturbed and there is no significant site the heritage specialist may choose to send a letter of recommendation for exemption from further heritage studies to the heritage authority to indicate that there is no necessity for any further assessment.

Any other heritage resources that may be impacted such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or views must also be assessed.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Rayton College

Our Ref:



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za  
South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
www.sahra.org.za

Enquiries: Ragna Redelstorf  
Tel: +27 (0)21 202 8651  
Email: medelstorf@sahra.org.za  
CaseID: 13750

Date: Tuesday May 07, 2019  
Page No: 2

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Ragna Redelstorf  
Heritage Officer  
South African Heritage Resources Agency

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Phillip Hine  
Acting Manager: Archaeology, Palaeontology and Meteorites Unit  
South African Heritage Resources Agency



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**ADMIN:**  
Direct URL to case: <http://www.sahra.org.za/node/523050>  
(DESTE, Ref. )

**Terms & Conditions:**

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.

J. Pretorius (Ward 48 Councillor):

<p>Re: Rayton, Plot 27 (Turn 180)</p> <p> Johan Pretorius &lt;xgrafies@gmail.com&gt; To: morne Thu 2019/06/13 05:01</p> <p><a href="#">Reply</a> <a href="#">Reply All</a> <a href="#">Forward</a> <a href="#">...</a></p> <p><a href="#">i</a> You replied to this message on 2019/06/14 11:06.</p> <p>Morning Morne</p> <p>Do you have more info on this project?</p> <p>regards Cllr Johan Pretorius</p> <p>On Thu, May 9, 2019 at 9:57 AM morne &lt;morne@turn180.co.za&gt; wrote:</p> <p>Good day Mr. J. Pretorius (Ward 48 Councillor)</p> <p>Please find attached a Background Information Document ("BID") for the "Notice of an application for environmental authorisation to obtain a construction permit for the construction of a college and expansion infrastructure on Plot 27, Rayton, Bloemfontein, Free State.</p> <p>Please feel free to contact us for further project information.</p>	<p>Re: Rayton, Plot 27 (Turn 180)</p> <p> Johan Pretorius &lt;xgrafies@gmail.com&gt; To: morne Sat 2019/06/15 07:51</p> <p><a href="#">Reply</a> <a href="#">Reply All</a> <a href="#">Forward</a> <a href="#">...</a></p> <p><a href="#">i</a> You replied to this message on 2019/10/14 15:06.</p> <p>On Fri, Jun 14, 2019 at 11:07 AM morne &lt;morne@turn180.co.za&gt; wrote:</p> <p>Good morning Johan</p> <p>Yes we do. We are currently finished with our public participation and answering all comments from the I&amp;AP's. We are still busy with the Basic Assessment and will submit once the PPP is finished. Please let me know what queries you have concerning the project and I will happily answer your questions.</p> <p>Thank you and have a nice day</p> <p>Kind Regards</p> <p>Morne van Wyk Turn 180 Environmental Consultants</p>
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<p>Re: Rayton, Plot 27 (Turn 180)</p> <p> Johan Pretorius &lt;xgrafies@gmail.com&gt; To: morne Sat 2019/06/15 07:51</p> <p><a href="#">Reply</a> <a href="#">Reply All</a> <a href="#">Forward</a> <a href="#">...</a></p> <p><a href="#">i</a> You replied to this message on 2019/10/14 15:06.</p> <p>Hi Morne</p> <p>I had many complaints of this College in the past and that they did not have the correct Zoning.</p> <p>Can you please sent the feedback from the nearby neighbours if possible?</p> <p>What was the general feeling of the community of this expansion?</p> <p>Thank you</p> <p>regards Johan</p>	
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Comments from adjacent landowners and stakeholders and feedback given:

Werner Joubert (Plot 9)

How long will it take before the college goes up?

Fanie Nel(Plot 2):

How are they going to implement the services and what services will they be using? How long before construction takes place?

Eddie Pienaar:

Asked for more detail on the project and when will the construction begin? Also commented that the current construction is damaging the community-built road.

Mariaan (did not provide details):

May they have started with building on site 1. What services will they use concerning sewage. What will happen to the Floors Coetzee Street and Fans Kleynhans Road.

E.J. von Maltitz, D.M. von Maltitz and E.J. von Maltitz

Who authorised the developer to start with the erection of buildings on plot 27 Rayton Estates, when it is only now in a process of a preliminary Environmental Assessment? Can the developer (1) be ordered to cease activities, and possibly (2) be forced to remove unauthorised structures erected on the site, and (3) be appropriately fined for the number of days erection has proceeded without proper authorisation ?

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Section 7(1)(b)(ii)(ccc) of the National Building Regulations and Building Standards Act No.103 of 1977 states that the local authority should refuse to grant its approval where a building would "probably or in fact derogate from the value of adjoining or neighbouring properties". There is no doubt whatsoever that this is the case in the proposed development, especially due to the extent of road usage and possible erection of hostels. ( Who will be responsible for policing the occupants and their activities? )

The above Standards Act No 103 also states that building activities prior to written authorization carries a fine of R100 per each day of such activities.

I would appreciate it if permission is NOT granted for the proposed development of Plot 27 for the above reasons, as any such development affects us negatively both materially and aesthetically, as well as endangering our lives with traffic congestion.

# **APPENDIX: E4**

**Proof that Authorities and Organs of State  
received written notification**

## Example of Notification and BID sent to Authorities and Organs of State:



23 April 2019

South African Heritage Resource Agency

111 Harrington Street

Cape Town

P.O. Box 4637

8001

**NOTICE OF AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION TO OBTAIN A CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF A COLLEGE AND EXPANSION INFRASTRUCTURE ON PLOT 27, RAYTON, BLOEMFONTEIN, FREE STATE.**

Notice is given of applications for Environmental Authorisation ("EA") in terms of the National Environmental Management Act [Act No. 107 of 1998] and the 2014 EIA Regulations as amended and a Water Use License in terms of Section 21(a), (c) and (i) of the National Water Act [Act 36 of 1998] ("NWA") for the construction of a College for tertiary education purposes and the expansion of existing infrastructure on Plot 27, Rayton, Bloemfontein ["Proposed Site"].

This notification provides stakeholders and / or identified Interested and Affected Parties ("I&AP") with the opportunity to comment on the proposed project and to indicate their interest.

**Related Activities**

The following activities will be applied for:

Activities i.t.o. GN. R. 327 of the NEMA 2014 Regulations as amended:

- Activity 27 - "The clearance of an area of 1 ha or more, but less than 20 ha of indigenous vegetation".
- Activity 19 - "The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse"

SUITE 221 | PRIVATE BAG X01 | BRANDHOF | 9324  
8 CONDE STREET | BAYSWATER | BLOEMFONTEIN | 9301  
TEL: 072 967 7962 | E-MAIL: admin@turn180.co.za



- Activity 28 (i) - "Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares"

Activities ~~1.1.0~~ GN. R. 324 of the NEMA 2014 Regulations as amended:

- Activity 12(b)(iv) – "The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan –(b) Free State – (iv) Areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland".

Activities ~~1.1.0~~ Act no.36 of the National Water Act of 1998 as amended:

- Section 21 (a) of the NWA – "The taking of water from a water resource"
- Section 21 (c) – "Impeding or diverting the flow of water in a watercourse"
- Section 21 (i) – "Altering the bed, banks, course or characteristics of a watercourse"

The site contains an existing borehole which will be used to pump water to a storage tank and used to irrigate the gardens and existing vegetation. The artificial wetland which is located on site 1 (next to Frans Kleynhans Road) will be demolished and levelled to make room for the new college and offices together with its associated paving. These water use activities will all be applied for through the Department of Water and Sanitation to determine is they are environmentally suitable.

The application process will include the following:

- Water Use Licence Application
- Basic Assessment Report process
- Public Participation Process
- Specialists Studies

### Project Description

- Turn180 Environmental Consultants ("Turn 180") was appointed by Urban Dynamics (Pty) Ltd. ("the applicant") as Environmental Assessment Practitioner ("EAP") to manage the required authorisation processes on their behalf.
- The Draft Basic Assessment Report is to be completed and will be sent to any I&AP upon their request.
- Applications will be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs ("DESTEA") to obtain EA for the proposed construction of a college.

The proposed construction of a college will entail the clearance of the proposed area (i.e. 8.57 ha) of indigenous vegetation on Site 1 and Site 3 which will total an area of 4.36 ha. If the EA is obtained, the proposed development of the College (Site 1) and housing for students (Site 3) will continue with the construction phase of the project. Site 1 will be used to construct the College building (0.23 ha), a parking lot (1.17 ha) which encompasses the area as well as an entrance way connecting the parking area to the Floors Coetzee Street. Site 3 already has structures present at this location. The applicant will seek only to expand and upgrade these structures for the purpose of housing students (Dormitories of 0.2 ha), Boutique Hotel plus their two shops (0.1 ha) and parking space which encompasses an area of 0.6 ha which will also have an entrance way connecting the parking area to the Floors Coetzee Street. Site 2 will be left undisturbed and no activities including no clearance of vegetation and no demolishing of old buildings will take place on this area [Please refer to attached site layout plan].

### Locality:

The proposed township development with an extent of 8.57 ha will be located on Plot 27, ~~Rayton~~, Bloemfontein, Free State, at the following coordinates:

29°4'4.19"S and 26°11'4.90"E.

Please refer to the attached locality map and layout plan.

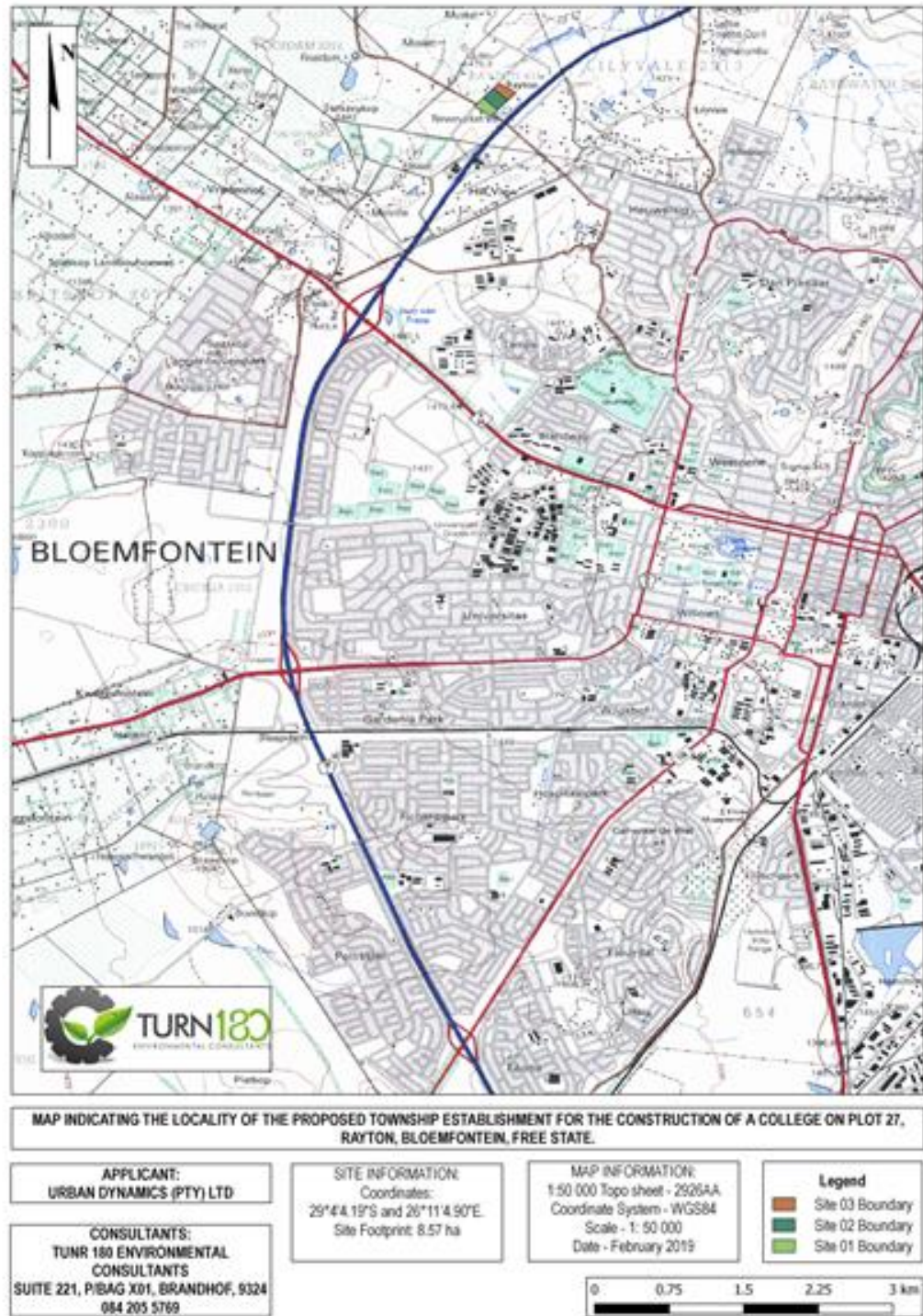


Figure 1: Locality map of the proposed township establishment.



Figure 2: Site Layout of proposed project

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 TEL: 072 967 7962 | E-MAIL: admin@turn180.co.za

### General Aspects and impacts

- The proposed development of the college will create job opportunities in the construction phase for sub-contractors. The operational phase will employ several new educators and create permanent employment opportunities as well as permanent and contract working during general maintenance.
- During the construction phase, construction waste (bricks, cement, steel, etc.) will be collected and disposed of at an authorised landfill site on a regular basis
- General waste (i.e. paper, plastic, glass bottles, etc.) will be collected and disposed of at an authorised landfill site on a regular basis.
- No vegetation will be cleared outside the footprint of the construction area.
- ▲ • Construction activities may lead to noise and dust generation. Appropriate measure will be taken to minimise this. Construction activities will only take place during daylight working hours and appropriate dust suppression measures will be implemented.

**Proof of Notification and BID sent to Authorities and Organs of State:**

Signed acknowledgement of receipt:



**NOTICE OF AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION TO OBTAIN A CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF A COLLEGE AND EXPANSION INFRASTRUCTURE ON PLOT 27, RAYTON, BLOEMFONTEIN, FREE STATE.**

By signing this form, you confirm that you have received the Background Information Document (BID) for the above-mentioned project.

Date: 09 May 2019

Attention:	Department	Received by:	Tel:	E-mail:	Signature:
Adv. Tankiso Mea (Municipal Manager)	Mangaung Metropolitan Municipality	Carina	051 405 8885	carina.mackenzie@ mangaung.co.za	
Ms. Mpolokeng Kolobe	Mangaung Metropolitan Municipality: Environmental Department	Mpolokeng	051 405 8577	Mpolokeng.Pramangalo@ mangaung.co.za	
Mr. Collin Dihemo	Mangaung Metropolitan Municipality: Planning Department	Mpolokeng	"	"	
Mr. Grobler/Dr. Ntuli	Department of Water and Sanitation	09/5/2019 Rose	-	-	
Ms. L. Phillips	Free State Heritage Authority	T. Kooi	051 4479609	-	

Attention:	Department	Received by:	Tel:	E-mail:	Signature:
Ms. G. Mkhosana	DESTEA	ZANDIKHLE MTWECU	0790604091	-	

# The Courier Guy (Pty) Ltd - Tax Invoice

P.O Box 532  
 Lanseria  
 1748  
 Tel No. 0861 203 203  
 Registration Number: 2015/061471/07  
 VAT Number: 4650195904

Invoice To: BCASH Bloemfontein Kiosk Cash  
 36A General Dan Pienaar Street  
 Bloemfontein  
 9301

Page No: 1 of 1  
 Invoice Number: 70086889  
 Invoice Date: 09-05-2019  
 No of Waybills on this invoice: 1  
 From: 09-05-2019 Until: 09-05-2019

Waybill	Date	Sender	Recipient	Orig	Final Destination	Cust Ref	Service	S/Chgs/Pos	Actual Mass	Charge Mass	Basic	Outly	Insur	Other	Sub-Total	VAT	Total	
TCG17517391	09-05-2019	LOUISE DE VILLIERE BPN KIOSK 9301	MR JACK MARTON DEPT OF AGRICULTURE LANDCARE BUILDING TURE COLLAGE GIELIE JOU 9300	BFN	BFR GLEN, Bloemfontein		OVN	1	1.0	1.0	73.91	0.00	0.00	0.00	73.91	11.09	85.00	
Tax Invoice Totals:									1	1.0	1.0	73.91	0.00	0.00	0.00	73.91	11.09	85.00

## Email delivery reports:

**Rayton, Plot 27 (Turn 180)**

morne <morne@turn180.co.za>  
 To 'xgrafies@gmail.com'

↩ Reply
↩ Reply All
→ Forward
⋮

Thu 2019/05/09 09:37

190509 Plot 27, Rayton BID.pdf  
 .pdf File

Good day Mr. J. Pretorius (Ward 48 Councillor)

Please find attached a Background Information Document ("BID") for the "Notice of an application for environmental authorisation to obtain a construction permit for the construction of a college and expansion infrastructure on Plot 27, Rayton, Bloemfontein, Free State.

Please feel free to contact us for further project information.

Thank you and have a nice day.

Kind Regards

Morne van Wyk  
 Turn180 Environmental Consultants  
 084 205 5769

# **APPENDIX: E5**

**List of I&APs**



Contact Person	Organisation	Contact detail	Manner of notification	Comments & Response
<b>Authorities &amp; Organs of State</b>				
Adv Tankiso Mea (Municipal Manager)	Mangaung Metropolitan Municipality	PO Box 3704 Bloemfontein 9300 Bram Fischer Building, Nelson Mandela Drive & Markgraaff Street Bloemfontein 051 405 8911 (Tel) <a href="mailto:citymanager@mangaung.co.za">citymanager@mangaung.co.za</a> (E-mail)	BID hand delivered on 09/05/2019	No comments received
Mr. Jack Morton (Director Land Use and Soil Management).	Department of Agriculture	051 409 2624 (Tel) Landcare building Glen Agricultural College Gielie Joubert Street Glen 9360 P.O. Box 34521 Faunasig 9325 <a href="mailto:jack@fs.agric.za">jack@fs.agric.za</a> (Email)	BID couriered on 09/05/2019	No comments received
Mr. J. Pretorius (Ward 48 Ward Councillor)	Mangaung Metropolitan Municipality	7 Dias Crescent Dan Pienaar Bloemfontein 9301 072 226 0222 (Cell) <a href="mailto:xgrafies@gmail.com">xgrafies@gmail.com</a> (E-mail)	BID sent via e-mail on 09/05/2019	Requested more information on this project and the general feeling of the landowners.
Ms. Mpolokeng Kolobe	Mangaung Metropolitan Municipality: Environmental Department	051 405 8577 (Tel) 051 405 8883 (Fax) PO Box 3704 Bloemfontein 9300 Bram Fischer Building, Nelson Mandela Drive & Markgraaff Street Bloemfontein <a href="mailto:Mpolokeng.kolobe@mangaung.co.za">Mpolokeng.kolobe@mangaung.co.za</a> (E-mail)	BID hand delivered on 09/05/2019	Comment received on 16/05/2019 Requested more information to make a meaningful comment and that a hard copy of the environmental report be sent to the department.

Mr. Collin Dihemo	Mangaung Metropolitan Municipality: Planning Department	051 405 8740 (Tel) PO Box 3704 Bloemfontein 9300 <a href="mailto:collin.dihemo@mangaung.co.za">collin.dihemo@mangaung.co.za</a> (E-mail)	BID hand delivered on 09/05/2019	
Ms. G. Mkhosana	DESTEA	Private Bag X20801 Bloemfontein 9300 113 St. Andrews Street Bloemfontein 9301 051 400 4812 (Tel) <a href="mailto:mkhosana@detea.fs.gov.za">mkhosana@detea.fs.gov.za</a> (E-mail)	BID hand delivered on 09/05/2019	No comments received
Ms. Ragna Redelstorff	SAHRA	021 462 4502 (Tel) P.O. Box 4637 Cape Town 8000 <a href="mailto:redelstorff@sahra.org.za">redelstorff@sahra.org.za</a> (E-mail)	BID uploaded on SAHRIS on 23/04/2019	Comments receive on 09/05/2019. In terms of the National Heritage Resources Act, No 25 of 1999, heritage resources, including archaeological or palaeontological sites, graves older than 60 years, structures older than 60 years are protected. They may not be disturbed without a permit from the relevant heritage resources authority. This means that prior to development it is incumbent on the developer to ensure that a <b>Heritage Impact Assessment (HIA)</b> is done.
Ms. L. Philips	Free State Heritage Authority	078 448 9307 (Cell) 051 447 9609 (Tel) National Museum Bloemfontein 9301 <a href="mailto:loudinep@gmail.com">loudinep@gmail.com</a> (E-mail)	BID hand delivered on 09/05/2019	No comments received

Mr. Willem Grobler Cc. Dr Ntuli	Department of Water and Sanitation	051 405 9000 (Tel) 082 878 5707 (Cell) Bloem Plaza 2nd Floor, c/o Charlotte Maxeke & East Burger Streets Bloemfontein 9300 P.O. Box 528 Bloemfontein 9300 <a href="mailto:groblerw@dwaf.gov.za">groblerw@dwaf.gov.za</a> (E-mail)	BID hand delivered on 09/05/2019	No comments received
<b>Adjacent Landowners and Other Stakeholders</b>				
Werner Joubert	General Manager	Plot 9, Frans Kleynhans Road, Groenvlei 079 091 5652 <a href="mailto:gm@ilangaestate.co.za">gm@ilangaestate.co.za</a>	BID hand delivered on 18/04/2019	<p><b>Comment:</b> How long will it take before the college goes up?</p> <p><b>Response:</b> Difficult to determine the time of construction and explained the different phases the project that first needs to be completed before environmental authorisation is acquired.</p>
Fanie Nel	Owner	Plot 2, Frans Kleynhans Road, New Market 081 234 7999 <a href="mailto:faniemel@live.com">faniemel@live.com</a>	BID hand delivered on 18/04/2019	<p><b>Comments:</b> How are they going to implement the services and what service will they be using? How long before construction takes place?</p> <p><b>Response:</b> Explained that a detailed Civil Services report has been done on all the services required for the project. Difficult to determine the time of construction and explained the different phases the project that first needs to be</p>

				completed before environmental authorisation is acquired.
Chartyn van Heerden	General Manager	9 New Market 082 412 1229 chartyn@vodamail.com	BID hand delivered on 18/04/2019	No comment
Eddie Pienaar	Owner	Plot 23, Floris Coetzee street, 23 072 149 2877 solwadi@gmail.com	BID hand delivered on 18/04/2019	<p><b>Comments:</b> Asked for more detail on the project and when will construction begin? Also commented that the current construction is damaging the community-built road.</p> <p><b>Response:</b> Gave more detail on the project and the phases of environmental authorisation before construction can begin.</p>
<p>Mariaan</p> <p>Note: The person did not supply contact details and did not indicate that they wanted to be added as a I&amp;AP.</p>	Concerned person (not neighbour)		Telephonic Conversation on the 2019/05/02	<p><b>Comments:</b></p> <ol style="list-style-type: none"> <li>1. May they have started with building on Site 03.</li> <li>2. What services will they use concerning sewage.</li> <li>3. What will happen to the Floris Coetzee Street and Frans Kleynhans Road.</li> </ol> <p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. Explained that the expansion is under a 1 ha and that they may build barns. They will have to apply for rezoning if they want to use these barns as housing.</li> <li>2. There are currently being built on new service infrastructure in the Frans Kleynhans Road by the municipality. There is</li> </ol>

				<p>planned to use on-site services if the construction isn't completed by that time.</p> <p>3. Elaborate on the Traffic Impact Study that was done and what they recommended.</p>
Dr. Tobie Gerber	Concerned person (not neighbour)	<a href="mailto:info@naturescrest.co.za">info@naturescrest.co.za</a>	Comments received per email on 29/04/2019	Mr. Gerber indicated that a BID be sent to him via e-mail and that he will respond in time.
E.J. von Maltitz D.M. von Maltitz E.J. von Maltitz				<p>1. Who authorised the developer to start with the erection of buildings on plot 27 Rayton Estates, when it is only now in a process of a preliminary Environmental Assessment? Can the developer (1) be ordered to cease activities, and possibly (2) be forced to remove unauthorised structures erected on the site, and (3) be appropriately fined for the number of days erection has proceeded without proper authorisation ?</p> <p>2. The wholesale compaction of a large area has possibly destroyed the location of graves, and definitely destroyed the nesting areas of European Bee-eaters. Are these same activities going to take place on the living</p>

			<p>areas of the terrapins in the wetland, or will they be relocated to another wetland nearby?</p> <p>3. Floris Coetzee is a right-of-way for the local residents, who are limited by zoning to one household per 2 hectares. The servitude width of 16 metres for the road includes the main backbones of fibre-optic cables of two suppliers on both sides of the road. From Cockram Road onwards it also encloses the underground cables for Woodlands' electricity supply. Obviously any increase in traffic would have to cater for the safe and viable connection of this traffic to both Floris Coetzee and the heavily overloaded Frans Kleynhans, and the flow of traffic at the intersection of the two. It is my considered opinion that the sort of increase envisaged, catered in the developers plans for more than 200 parking bays, will exceed what can be considered a safe amount of traffic, and will inevitably lead to multiple collisions.</p> <p>4. The residents of Rayton</p>
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				<p>Estates established their homes in a preferred rural setting of quiet solitude. In fact the residents arranged for the tar surface of Floris Coetzee and Cockram at their own cost. To now be faced by the establishment of an institution with constant traffic on their private right-of-way, and the possibility even of having hostels established by that establishment for student housing, and the resultant after-hours noise pollution is just NOT acceptable.</p> <p>5. All ground in that area contains Basotho burials dating from c.1900 to c.1960. What plans has the developer made to locate these graves, exhume the contents, and re-intern them at a time and place to suit the descendants and families?</p>
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# **APPENDIX: E6**

**Meetings held**





5 February 2019

**Minutes of the pre-application meeting to discuss the application for Environmental Authorisation through a Basic Assessment Report for the proposed construction of a college on Plot 27, ~~Rayton~~, Bloemfontein, Free State.**

Details of meeting:

Date: 5 February 2019

Time: 09:00 am

Place: 113 St. Andrews Street, Bloemfontein (Department of Economic, Small Business Development, Environmental Affairs and Tourism ("DESTEA") offices).

Attendees:

Mr. Louis De Villiers (Turn 180 Environmental Consultants)

Ms. ~~Marné~~ van Wyk (Turn 180 Environmental Consultants)

Ms. Grace Mkhosana (Chairperson from DESTEA)

Two officials from the ~~Mangaung~~ Metro Municipality and numerous officials from DESTEA also attended.

DESTEA still needs to send a copy of the attendance register to Turn 180 Environmental Consultants.

Introduction

Mr. De Villiers opened the meeting by thanking the attendees for their participation in the meeting and introducing himself and Mr. van Wyk from Turn 180 Environmental Consultants.

Presentation

Mr. van Wyk gave a PowerPoint presentation on the proposed project, providing an overview of the proposed project. Please refer to the attached presentation slides.

Discussion

A comment was received by DESTEA that all site alternatives must be included and asked if all services will be supplied by the Mangaung Metro Municipality ("MMM"). Mr. Van Wyk responded that all services will be supplied by the MMM.

(Department) Will all the services (water, electricity and sewage) be supplied by the Mangaung Municipality?

(Mr. van Wyk) Yes, it is all present and laid out in the Civil Services report.

(Mr. de Villiers) It is difficult to propose site alternatives when there aren't any especially when the applicant owns and wants to develop the land and has no alternative option. The only options are ~~reply only~~ the site layout.

(Department) The selection of site alternatives needs to be followed according to regulations and so that we can see you were compliant and followed the right steps. If there are no site alternatives you will have to apply to be exempted from choosing alternatives in the EIA only if you state a valid reason.

(Mr. de Villiers) The client should ~~in reality first~~ approach the EAP before any other consultants in order for the right site selection to take place.

(Department) We know this, ~~but in reality,~~ this does not happen. It should be like that in order to minimize and eliminate risks involved with the site selected. We know that the municipality first appoints engineers and the engineers appoints the EAPs, which in ideal circumstance must be contracted independently.

Mr. De Villiers thanked the attendees again and the meeting was adjourned.