

BAKUBUNG LEDIG MIXED USE HOUSING DEVELOPMENT

DRAFT COMMENTS AND RESPONSE REPORT

NWP/EIA/36/2016



NOVEMBER 2016

APPLICANT:

Kubu Property Investment (Pty) Ltd
6205 Birch Acres
25 Mogo street
Kempton Park
1618

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Email: ben@bakubungfire.com

PREPARED BY:



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3640

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1 INTRODUCTION

The Bakubung Ba Ratheo Community, together with Kubu Property Investments, initiated a process for the establishment of mixed housing typologies on Portion 15 of the Farm Ledig, No. 909.

The total extend of the project area is approximately 364,37ha and is a “Greenfield development”. The project area is bordered by the R556 to the South, Sun City to the East, the Pilanesberg Nature Reserve to the North and the remainder of the Ledig community to the West.

The project is planned to deliver an integrated mix of housing typologies totaling 5220 units. All of the residential units will be connected to waterborne sewerage as well as have access to other supporting infrastructure and supporting social facilities.

The proposed development will require Environmental Authorisation subject to a Scoping and Environmental Impact Assessment Process as required by Sections 21 to 23 of the Environmental Impact Assessment Regulations of 2014. K2M Environmental (Pty) Ltd has been appointed as the independent Environmental Assessment Practitioner responsible for the Scoping and Environmental Impact Assessment Process.

The Public Participation Process for the Proposed Bakubung Ledig Mixed Housing commenced on the 26th of August 2016 and ended on the 26th of September 2016. Comments received from Interested and Affected Parties with regards to the Scoping Report have been captured in the table 2.1 below.

2 COMMENTS RECEIVED FOR SCOPING REPORT

A number of comments were received from various stakeholders in response to the Scoping Report, site notices, information leaflets and newspaper advertisement. Table 2.1 below gives a summary of the comments received during the public participation process.

Table 2:1: Comments received and responses

Name of Department / Organization	Date Received	Comments Received	Response
Carel (Mac) Heyneke from Voltex (Appendix 1)	25/08/2016	I would like to be registered as an interested party regarding this project. We are electrical wholesalers and is interested in the supply at a later stage.	Mr Heyneke was registered as an I&AP.
T. Mabaso (Appendix 2)	26/08/2016	Mr Mabaso requested further information regarding Scoping and Environmental report.	Mr Mabaso was registered as I&AP and was sent a copy of the Scoping Report.
Carmen Barends from Leads 2 Business (Appendix 3)	29/08/2016	Please could I register as an I&A party on the above proposed project and receive a copy of the Background Information Document and Scoping Report if possible?	Ms Barends was registered as I&AP and was sent a copy of the Scoping Report.
Barbera Lange from DAFF (Appendix 4)	01/09/2016	This serves as a notice of receipt and confirms that your application has been captured in our electronic AgriLand tracking and management system.	No response required.
Simon Jonas from Tellroy Transport (Appendix 5)	05/09/2016	Mr Jonas inquired about the tender process for materials during the construction phase. He sent through a company profile.	Mr Jonas was informed that K2M Environmental was appointed to undertake the Environmental Impact Assessment and was not involved in any of the tender processes for materials.
Hitesh Behari from Global Roofing Solutions (Appendix 6)	13/09/2016	Mr Behari inquired about the tender process for roofing materials during the construction phase.	Mr Behari was informed that K2M Environmental was appointed to undertake the Environmental Impact Assessment and was not involved in any of the tender processes.

<p>FJ Nel from Jacques Classen Attorneys (Representing Pacific Paramount) (Appendix 7)</p>	<p>14/09/2016</p>	<p>Please send us a copy of the relevant EA.</p>	<p>Mr Nel was informed that an Environmental Authorisation has not yet been issued as we are only in the Scoping phase of the project.</p> <p>Mr Nel was registered as an I&AP and was sent a copy of the Scoping Report.</p>
<p>Joany Govenden from Esor Construction (Appendix 8)</p>	<p>21/09/2016</p>	<p>Ms Govenden inquired about the tender process for the construction phase of the project. She sent through a company profile.</p>	<p>Ms Govenden was informed that K2M Environmental was appointed to undertake the Environmental Impact Assessment and was not involved in any of the tender processes for materials.</p>
<p>Mr Molebatsi (Appendix 9)</p>	<p>23/09/2016</p>	<p>I would like to be informed more about the project. I think it would be a good project. It will help improve the place and help with housing.</p>	<p>Mr Molebatsi was registered as an I&AP.</p>
<p>FJ Nel from Jacques Classen Attorneys (Representing Pacific Paramount) (Appendix 10)</p>	<p>26/09/2016</p>	<p>We act on behalf of Pacific Paramount (Pty) Ltd, represented by Pascal Stratis, ("OUR CLIENT") herein. Our instructions are as follows:</p> <ul style="list-style-type: none"> • We note that the draft scoping report (NWP/EIA/36/2016) refers to Bakubung Ba Ratheo Community, and Kubu Properties Investments ("the applicants") who wish to establish and construct mixed housing typologies on Portion 15 of the Farm Ledig, No. 909 ("the subject property"). • We cannot draw an inference from the draft scoping report as to whether the mixed housing 	<p>No comment required.</p> <p>This comment has been noted and will be addressed as part of the EIR.</p>

		<p>typologies will include Residential Commercial Developments.</p> <ul style="list-style-type: none"> • Our client wishes to register as an interested and affected party to enable him to have access to the Town Planning Application that will be submitted in respect of to the subject property. 	<p>Pacific Paramount represented by Jacques Classen Attorneys have been registered as an I&AP.</p>
<p>Samantha Kelly (Representing Sun International) (Appendix 11)</p>	<p>27/09/2016</p>	<p>We act for Sun International (South Africa) Limited ("our Client"). We have been instructed to address this correspondence to you on our Client's behalf.</p> <p>Your correspondence of 25 August 2016 refers. Our Client has perused the Draft Scoping Report NWP/EIA/2016 ("DSR") and has consulted with its internal departments in this regard. Our Client's preliminary comments are as follows:</p> <p><i>Sun City- Waste water treatment works ("WWTW"):</i></p> <ul style="list-style-type: none"> • Clause 2.5.2 of the DSR states that the option of upgrading the Sun City WWTW needs to be investigated. Please note that our Client is currently have treatment capacity for an additional 2.2 Mil per day, which needs to remain available for internal treatment for future and current development taking place at Sun City. Thus, any upgrades undertaken by them, at the insistence of the developer and/or 	<p>The comments from Ms Kelly have been acknowledged and will be addressed as part of the EIR and EMP, as specialist studies and results of investigations will be available to provide comprehensive answers.</p>

		<p>local authority, should be for the developer's account. However, our Client is amenable to investigating the possibility of expanding the Sun City WWTW and, if proven feasible, offering the developer a waste management solution.</p> <ul style="list-style-type: none">• Sun City is currently looking at undertaking a project to establish a waste-to-energy plant. If this project materialises, our Client will investigate the possibility of this site accommodating the waste from the development as a disposal option (this will be discussed and negotiated with the developer at a later stage if proven to be a viable option).• Pending the establishment by SI of a waste-to-energy plant at Sun City, our Client is open to investigating the possibility of the developer using our current waste management solution facility. Thus, if feasible to both parties, the developer will not need to rely on municipal waste services to take their waste to Mogwase; but rather, instead pay a small disposal rate to our Client to use same (to be further discussed and negotiated if proven to be a worthwhile option and should the developer be interested).	
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		<ul style="list-style-type: none">• We note that our Client's Integrated Water Use Licence will need to be amended with Department of Water Affairs ("DWA") prior to concluding any agreement in respect of the above, as well as any additional registrations with DWA to treat external sewage as a service provider. <p><i>Sludge treatment:</i></p> <ul style="list-style-type: none">• Sludge treatment avenues will need to be explored as our Client does not have disposal facilities in respect of same. This could include the construction of a fertilizer pellet plant where the fertilizer could then be used at Sun City (or any other options proposed and investigated).• We note that upgrade improvements for this purpose should be for the developer's costs. Once the improvements are completed, we can explore that possibility of Sun City taking over full operation and maintenance of all plant equipment and carry all costs pertaining to future operation and maintenance.	
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		<p><i>Electricity:</i></p> <ul style="list-style-type: none">• Clause 2.5.4 of the DSR states that all the electricity supply in respect of the development will be dealt by Eskom. Please may we request that this information must be shared with our Client, as it may impact on the electricity supply for the Sun City. <p><i>Security:</i></p> <ul style="list-style-type: none">• Our Client is concerned about the security to Sun City residents during and post construction.• Will any security measures be taken during and post construction?• It has been suggest that the development site is to be properly fenced/built wall to prevent ingress or egress to the site by unwanted individuals. This will minimise the risk of theft for the contractors and ability to manage the construction site effectively. <p><i>Listed Activities:</i></p> <ul style="list-style-type: none">• In respect of the Listed Activities (as shown in the table on page 7), Activity 2, GN.R. 985: our Client notes that supporting infrastructure for the reservoir is in place already, which means	
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		<p>that such activity has already been commenced. Are all the EIA requirements included in the Magalies Project Record of decision?</p> <ul style="list-style-type: none">• Clause 3.7.2 of the DSR states that there will be no development within 32 meters. However, it is noted that activities 12 and 19 (on page 7 of the DSR) are within watercourse controlled area of 32 meters. Please will you provide clarity on this discrepancy? <p>Mitigation measures:</p> <ul style="list-style-type: none">• Clause 3.8.2 of the DSR states that rubble is to be properly disposed of to prevent obstruction. Please advise on how and where will rubble be disposed of and how will this be monitored? <p>Miscellaneous:</p> <ul style="list-style-type: none">• The northern border of the proposed development is not Pilanesberg National Park, but is Sun City Resort.• The wetland (as mentioned in clause 3.5.3) is situated on both Bakubung and Sun City land.• Please note that Sun City has sewage and potable water infrastructure and servitudes in	
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		the area which the must be protected. Please advise on how this will be done.	
Refiloe Radithalo from the Moses Kotane Local Municipality (Appendix 12)	28/09/2016	<ul style="list-style-type: none"> • The proposed site of activity will be occurring along a wetland and fluvial prone area and such areas are vulnerable to protected species including Fauna and Flora. Therefore, as provided in the National Environmental Management Biodiversity Act 10 of 2004, section 2, which makes provision for species risk assessments, the applicant ought to conduct an ecological risk assessment in respect to the proposed activities. • Furthermore, areas prone to wetlands may not be geologically stable because of the rock type and geo-structural features inherent within the site. Therefore, a geo-structural assessment must be conducted to address the risks that may associated with the proposed activity- in respect to the Construction, Operational and Closure phases of the project. • Section 38 of the National Heritage Resources Act of 2004 requires that an applicant conduct a Heritage Impact assessment since the site to be cleared will be more that 10 000 metre-squared. 	<p>Please note that an Ecological Assessment has been undertaken and will be included into the EIR.</p> <p>This comment has been noted and will be addressed as part of the EIR.</p> <p>Documentation will be submitted to the relevant authority.</p>

		<ul style="list-style-type: none"> The Unit therefore accepts the Scoping Report and grants the applicant permission to proceed with the Full Environmental Impact Assessment as outlined in the GN. R982 2014 Environmental Impact Assessment, Appendix 3. 	No comment required.
Motshabi Mohlalisi from DREAD (Appendix 13)	30/08/2016	Sent an acknowledgement of receipt indicating that the Department has received the draft scoping report.	No comment required.
Department of Water and Sanitation (Appendix 14)	28/09/2016	This office acknowledges the receipt of your application documents regards to the above-mentioned on 28 September 2016 (Task T438/2016). The office responsible for this area is : Ms Lethabo Ramashala and can be contacted at (012) 207-9911.	No comment required.
SAHRA (Appendix 15)	02/11/2016	<p>The Bakubung Ba Ratheo Community, together with Kubu Property Investments, initiated a process for the establishment of mixed housing typologies on Portion 15 of the Farm Ledig, No. 909.</p> <p>Thank you for notifying SAHRA of the proposed Bakubung Ledig Mixed Housing Development on portion 15 of the Farm Ledig, No. 909, near Ledig, North West Province.</p>	<p>SAHRA'S comments have been noted. An Archaeological Assessment and a Paleontological Letter of Exemption will be undertaken and included as part of the EIR.</p> <p>The reports will then be submitted to SAHRA for assessment.</p>

		<p>In terms of the National Heritage Resources Act, no 25 of 1999, heritage resources, including archaeological or palaeontological sites over 100 years old, 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 before such sites are disturbed by development it is incumbent on the developer to ensure that a Heritage Impact Assessment is done. This must include the archaeological component (Phase 1) any other applicable heritage components. Appropriate (Phase 2) mitigation, which involves recording, sampling and dating sites that are to be destroyed, must be done if required.</p> <p>In your application received by SAHRA there was no indication of an assessment of the archaeological resources. The quickest process to follow for the archaeological component would be to contract a specialist (see www.asapa.org.za) to provide a Phase 1 Archaeological Impact Assessment Report.</p> <p>The Phase 1 Impact Assessment Report will identify the archaeological sites and assess their significance. It should also make recommendations (as indicated in section 38) about the process to be followed. For</p>	
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	<p>example, there may need to be a mitigation phase (Phase 2) where the specialist will collect or excavate material and date the site. At the end of the process the heritage authority may give permission for destruction of the sites. If the property is very small or disturbed and there is no significant site the specialist may choose to send a letter to the heritage authority to indicate that there is no necessity for any further assessment.</p> <p>Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, a Palaeontological Desk Top study must be undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter of exemption from a Palaeontologist is needed to indicate that this is unnecessary. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see www.palaeontologicalsociety.co.za for qualified paleontologists).</p> <p>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</p>	
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		<p>cultural landscapes or viewscapes must also be assessed.</p> <p>The Basic Assessment Report (BAR) or Scoping Report or Environmental Impact Assessment (EIA) with all appendices must be submitted in order for an informed comment to be issued.</p>	
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3 CONCLUSION

Issues identified during the Scoping Process and the additional concerns raised by the I&APs that have commented on the Scoping Report will be addressed in the Draft Environmental Impact Report. All registered I&AP's were notified will be notified about the Draft Environmental Impact Report and will be given the opportunity to comment.

Appendix 1:

Interested party - Message (HTML)

File Message ESET Tell me what you want to do...

Ignore Delete Reply Reply All Forward More... Meeting Bakubung Ledig To Manager Rules OneNote Team Email Done Reply & Delete Create New Move Actions Mark Unread Categorize Follow Up Translate Find Related Select Zoom

Thu 2016-08-25 04:09 PM
Carl Heyneke <carl20@voltex.co.za>
Interested party
To simitha@k2m.co.za
You replied to this message on 2016-08-25 04:30 PM.

Dear Miss Simitha Bechan


I noticed your application for environmental authorisation ref: NWP/EIA/36/2016

I would like to be registered as an interested party regarding this project.
We are electrical wholesalers and is interested in the supply at a later stage.


I trust you will find all in order.

Regards

Carel (Mac) Heyneke
Branch Manager

 **voltex**

Tel: 0145971311
Fax: 0865168762
Cell: 0832524099
Keens Electrical
98 Pres. Thabo Mbeki Drive
Rustenburg
Website: www.voltex.co.za

 **Bidvest**
Electrical

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This footnote confirms that this email message has been scanned by
PineApp Mail-SeCure for the presence of malicious code, vandals & computer viruses.

08:14 AM
2016-08-26

Appendix 2:

Further Information regarding Scoping and Environmental report - Message (HTML)

File Message ESET Tell me what you want to do...

Ignore X Reply Reply Forward Meeting
Junk - Delete All More -

Bakubung Ledig To Manager
Team Email Done
Reply & Delete Create New

Rules -
OneNote
Actions -

Move
Mark Unread
Categorize
Follow Up -

Translate
Find
Related -
Select -

Zoom
Zoom

Thu 2016-08-25 04:48 PM
tmabaso9@gmail.com
Further Information regarding Scoping and Environmental report

To simitha@k2m.co.za
You replied to this message on 2016-08-26 08:14 AM.

Sent from my BlackBerry 10 smartphone.

Windows taskbar showing icons for Start, Search, Task View, File Explorer, Edge, Mail, Calendar, Chrome, Firefox, VLC, Word, Excel, PowerPoint, OneDrive, and Outlook. System tray shows network, volume, and language (ENG) settings. Time: 08:16 AM, 2016-08-26.

Appendix 3:

Bakubung Ledig Mixed Use Housing Development - Message (Plain Text)

File Message ESET Tell me what you want to do...

Ignore X Reply Reply Forward Meeting I&APS To Manager
Junk - Delete Reply All Forward Meeting I&APS To Manager
Delete Respond Quick Steps Move OneNote Mark Categorize Follow Translate Find Zoom
Reply & Delete Done Create New Move OneNote Mark Categorize Follow Translate Find Zoom
Reply & Delete Done Create New Move OneNote Mark Categorize Follow Translate Find Zoom

Mon 2016-08-29 11:23 AM

 Carmen Barends <carmenb@l2b.co.za>
Bakubung Ledig Mixed Use Housing Development

To: simitha@k2m.co.za

 We removed extra line breaks from this message.

Good day Simitha,

Please could I register as an I&A party on the above proposed project and receive a copy of the Background Information Document and Scoping Report if possible?

Thank you kindly.

--

Kind Regards,

Carmen Barends
Regional Content Researcher
Private Projects

Leads 2 Business (www.L2B.co.za)

Tel: 033 343 1130 or 0860 836337 (0860 TENDER)

Fax: 033 343 5882

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Appendix 4:



agriculture, forestry & fisheries

Department:
Agriculture, forestry & fisheries
REPUBLIC OF SOUTH AFRICA

..
Directorate Land Use and Soil Management, Private Bag x120, Pretoria, Gezina 0031
Delpen Building, c/o Annie Botha & Union Streets, Rivierfa..

From

: Director: Land Use and Soil Management

TEL (012) 319 7634 ☐☐ **Fax:** (012) 329 5938 ☐☐ **e-mail:** nhlakad@daff.gov.za

K2M ENVIRONMENTAL (PTY) LTD

33 MNINI ROAD

KLOOF

3610

2016/09/01

DEAR SIR/MADAM

This serves as a notice of receipt and confirms that your application has been captured in our electronic AgriLand tracking and management system. It is strongly recommended that you use the on-line AgriLand application facility in future.

Detail of your application as captured:

TYPE SCOPING REPORT

YOUR REFERENCE LEDIG 909 (PTN 15)

Description LEDIG 909 (PTN 15)

DATED 2016/09/01

Please use the following reference number in all enquiries:

AGRILAND REFERENCE NUMBER ; 2016_09_0001

Enquiries can be made to the above postal, fax or e-mail address.

Yours sincerely,

B N DE LANGE

pp DIRECTOR: LAND USE AND SOIL MANAGEMENT

<http://www.agis.agric.za/agriland>

Appendix 5:


Re: ENVIROMENTAL IMPACT - Message (HTML)

File Message ESET Tell me what you want to do...

Ignore X Delete Reply Reply All Forward Meeting Land Claims To Manager Team Email Done Reply & Delete Create New Rules OneNote Mark Unread Categorize Follow Up Translate Find Related Select Zoom

Delete Respond Quick Steps Move Move Unread Tags Editing Zoom

Mon 2016-09-05 12:18 PM

 Tebogo Pebane <tebogo.pebane@gmail.com>

Re: ENVIROMENTAL IMPACT

To simitha@k2m.co.za



Good Day

kind find the attached Documents .

Kind Regards

SIMON JONAS
063 061 5558

On Mon, Sep 5, 2016 at 3:05 AM, Tebogo Pebane <tebogo.pebane@gmail.com> wrote:

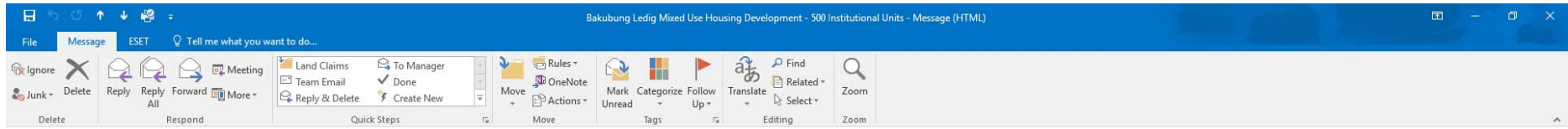
Good Day

kind find the attached Documents .

Kind Regards

SIMON JONAS
063 061 5558

Appendix 6:



Tue 2016-09-13 02:16 PM
Hitesh Behari <Hitesh@globalroofs.co.za>
Bakubung Ledig Mixed Use Housing Development - 500 Institutional Units
To: simitha@k2m.co.za
You replied to this message on 2016-09-13 04:31 PM.

Hi Simitha
Thanks for taking my call and assisting me with regards to the project in mention.
Kindly inform me, once the project is ready for tender. If you have the Architect / QS details I would appreciate obtaining this information from you.
Thank you, please do not hesitate to contact me should you have any queries.
Regards

Hitesh Behari
Projects & Specifications Consultant | Global Roofing Solutions | A division of Consolidated Steel Industries
Physical Address: Cnr Quality and Barlow Road, Kempton Park, Isando, 1601
Direct: +27 (0) 11 898 2957 | Tel +27 (0) 11 898 2900 | Fax: +27 (0) 11 892 1455 | Cell: +27 (0) 82 495 8199
E-mail: hitesh@globalroofs.co.za
Web: www.globalroofs.co.za



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Appendix 7:

File Message ESET Tell me what you want to do...

Ignore X Delete Reply Reply All Forward Meeting Land Claims To Manager Team Email Done Reply & Delete Create New Rules OneNote Mark Categorize Follow Up Translate Find Related Select Zoom

Delete Respond Quick Steps Move Tags Editing Zoom

Wed 2016-09-14 09:18 AM
FJ Nel <info@propdevlaw.co.za>
Environmental Authorisation // NWP/EIA/2016 // a portion of the Farm Ledig 93 // Sunvillage

To simitha@k2m.co.za
Cc Jacques Classen
You replied to this message on 2016-09-14 10:05 AM.

Good morning,
I refer you to our telephonic conversation and the above mentioned reference number.
Please send us a copy of the relevant EA.
Kind regards,
FJ Nel LL.B. NWU – Candidate Attorney to Jacques Classen



Jacques Classen Attorneys
Suite 29 Garsfontein Office Park
645 Jacqueline Drive

Tel: (012) 9429477
Facsimile: 086 6618824
e-mail: info@propdevlaw.co.za
Website: www.propdevlaw.co.za



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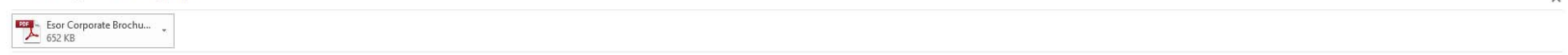
Appendix 8:

File Message ESET Tell me what you want to do...

Ignore X Reply Reply Forward Meeting Land Claims To Manager
Junk - Delete Reply All Reply & Delete Done
Delete Respond Quick Steps Move OneNote Mark Categorize Follow Translate Find Zoom
Unread Tags Up Select Zoom

Wed 2016-09-21 12:36 PM
Joany Govenden <joanyg@esor.co.za>
BAKUBUNG LEDIG MIXED USE HOUSING DEVELOPMENT

To simitha@k2m.co.za
Cc Scott Robertson; Omrajh Laldeo
You replied to this message on 2016-09-21 12:47 PM.
This message was sent with High importance.



Good Day Simitha

As per our telephonic discussion with regards to our interest in the above mentioned project, please can you forward our company profile to the relevant parties concerned, to ensure we are listed on their database for any proposed future work.

Attached is a copy of our company profile for your records.

We look forward to hearing from you soon.

Kind regards,

Joany Govenden | PA to Managing Director
Esor Construction (Pty) Ltd

+2711 776-8700 (reception)
+086 407-4882 (fax to email)
30 Activia Road, Activia Park, Germiston, 1401
PO Box 6478 Dunswart
<http://www.esor.co.za>

This e-mail is subject to an e-mail disclaimer.
To read our e-mail disclaimer notice please go to: http://www.esor.co.za/email_disclaimer.html
Alternatively please contact us on +2711 776-8700

Appendix 9:

Thank you for your participation

Please let us know if there are any other organizations or individuals who you feel should be notified of this project:

I would like to be involved more about the project I think I would be a good project it will help improve the phase and help with housing also.

Comment:

Title: ME		First Name: M. Smittha		Surname: KOLEBATS!		Initials: ME	
Organization:							
Postal Address:							
Tel no:				Cell no: 0726618279			
Fax no:				Email:			

Please send comments to:
 K2M Environmental (Pty) Ltd
 C/o Smittha Bechan
 Fax: 086 622 7276
 Email: smittha@k2m.co.za

PLEASE NOTE - IF YOU DO NOT REGISTER AS AN I&AP, YOU WILL NOT AUTOMATICALLY RECEIVE FURTHER INFORMATION ON THE PROJECT.

You are invited as an interested and affected party to register and comment on the Proposed Bakubung Ledig Mixed Use Housing Development in terms of the 2014 EIA Regulations. Please return the completed registration form to Miss Smittha Bechan on or before the 23 September 2016.

Appendix 10:



Excellence in Property Development Law

www.propdevlaw.co.za



Our Ref: JACQUES CLASSEN / S012

Your Ref:

Date: 26 September 2016

ATTENTION: SIMITHA BECHAN

BY EMAIL: simitha@k2m.co.za

Dear Sir/s,

RE: PASCAL STRATIS // PACIFIC PARAMOUNT // PORTION 15 OF THE FARM LEDIG //
COMMENTS ON THE DRAFT SCOPING REPORT // NWP/EIA/36/2016.

We refer you to the above mentioned matter.

We act on behalf of Pacific Paramount (Pty) Ltd, represented by Pascal Stratis, (“**OUR CLIENT**”) herein.

Our instructions are as follows:

1. We note that the draft scoping report (NWP/EIA/36/2016) refers to Bakubung Ba Ratheo Community, and Kubu Properties Investments (“**the applicants**”) who wish to establish and construct mixed housing typologies on Portion 15 of the Farm Ledig, No. 909 (“**the subject property**”).
2. We cannot draw an inference from the draft scoping report as to whether the mixed housing typologies will include Residential Commercial Developments.
3. Our client wishes to register as an interested and affected party to enable him to have access to the Town Planning Application that will be submitted in respect of to the subject property.
4. Our client’s rights are fully reserved.

We await your reply herein.

Yours faithfully,

JACQUES CLASSEN ATTORNEYS

(unsigned due to electronic format)

Per:

JA CLASSEN

Offices at:

Contact Details:

Appendix 11:

K2M Environmental (Pty) Ltd

PER EMAIL: simitha@k2m.co.za
Attention: Simitha Bechan

Our Reference **Samantha Kelly**
Account Number
Your Reference **Bakubung Ledig Mixed Use**
Direct Line **(011) 562 1160**
Direct Telefax **(011) 562 1111**
Direct e-mail **samantha.kelly@cdhlegal.com**
Date **27 September 2016**

Dear Simitha

RE: BAKUBUNG MIXED-USE HOUSING AND COMMERCIAL DEVELOPMENT

- 1 We act for Sun International (South Africa) Limited ("**our Client**").
- 2 We have been instructed to address this correspondence to you on our Client's behalf.
- 3 Your correspondence of 25 August 2016 refers. Our Client has perused the Draft Scoping Report NWP/EIA/2016 ("**DSR**") and has consulted with its internal departments in this regard.
- 4 Our Client's preliminary comments are as follows:

*Sun City - Waste water treatment works ("**WWTW**"):*

- 5 Clause 2.5.2 of the DSR states that the option of upgrading the Sun City WWTW needs to be investigated. Please note that our Client is currently have treatment capacity for an additional 2.2 Ml per day, which needs to remain available for internal treatment for future and current development taking place at Sun City. Thus, any upgrades undertaken by them, at the insistence of the developer and/or local authority, should be for the developer's account.
- 6 However, our Client is amenable to investigating the possibility of expanding the Sun City WWTW and, if proven feasible, offering the developer a waste management solution.
- 7 Sun City is currently looking at undertaking a project to establish a waste-to-energy plant. If this project materialises, our Client will investigate the possibility of this site accommodating the

CHAIRMAN AW Pretorius **CHIEF EXECUTIVE OFFICER** B Williams **CHIEF FINANCIAL OFFICER** ES Burger

DIRECTORS: JOHANNESBURG JA Aukema CD Baird CA Barclay G Barkhuizen-Barbosa R Beerman E Bester P Bhagattjee R Bonnet TE Brincker IH Burger HLE Chang CWJ Charter CJ Daniel J Darling EF Dempster S Dickson L Erasmus BV Faber JJ Feris TS Fletcher L França TG Fuhrmann F Gattoo MZ Gattoo SB Gore J Govender L Granville AJ Hofmeyr Q Honey WH Jacobs WH Janse van Rensburg CM Jesseman JCA Jones T Jordaan BL King J King Y Kleitman LJ Kruger J Latsky AM le Grange FE Leppan# CJ Lewis BC Maasdorp JL Mackenzie Z Malinga G Masina NN Mchunu HW Mennen B Meyer WJ Midgley R Moodley MG Mphafudi BP O'Connor N Parbhoo A Patel GH Pienaar V Pillay DB Pinnock NA Preston AW Pretorius AG Reid JRR Ripley-Evans LK Sebatane M Serfontein P Singh-Dhulam L Smith ST Solombela T Suliman FP Swart WHH Thyne D Vallabh HR van der Merwe JJ van Dyk WPS van Wyk NJ von Ey JG Webber JG Whittle DA Wilken B Williams LD Wilson JM Witts-Hewinson MP Yeates

DIRECTORS: CAPE TOWN AC Alexander RD Barendse TJ Brewis MA Bromley MR Collins A de Lange LF Egypt GT Ford S Franks DF Fyfer SAP Gie JW Green AJ Hannie AM Heiberg PB Hesseling RC Horn S Immelman JH Jacobs A Kariem IJ Lessing GC Lumb RE Marcus SI Meyer A Moolman J Nesor FT Newham G Orrie[§] CH Pienaar[#] L Rhodie MB Rodgers S Singh GJ Stansfield BPA Strauss DM Thompson CW Williams TJ Winstanley

EXECUTIVE CONSULTANTS: M Chenia HS Coetzee PJ Conradie AM Potgieter

CONSULTANTS: A Abercrombie HC Dagut JMA Evenhuis* Prof A Govindjee EJ Kingdon FF Kolbe NW Muller

SENIOR ASSOCIATES: F Ameer-Mia B Batista A Bezuidenhout AS Bezuidenhout C Bristol B Brown L Brunton K Caddy NS Comte N Du Sart T Erasmus TV Erasmus KJ Keanly JA Krige HJ Louw NS Mbambisa NL Meyer N Mia T Moodley V Moodley MB Mpahlwa CP Muller AP Pillay KS Plots Y Raffie BJ Scriba M Somrey FJ Terblanche T Tosén M Treurnicht R Valayathum NI Zwane

CLIFFE DEKKER HOFMEYR SERVICES PROPRIETARY LIMITED DIRECTORS: ES Burger JA Cassette TR Cohen AB Hoek MW Lington B Williams

*British [§]Dutch [#]Cape Town Managing Partner

Cliffe Dekker Hofmeyr Inc. Reg No 2008/018923/21

waste from the development as a disposal option (this will be discussed and negotiated with the developer at a later stage if proven to be a viable option).

- 8 Pending the establishment by SI of a waste-to-energy plant at Sun City, our Client is open to investigating the possibility of the developer using our current waste management solution facility. Thus, if feasible to both parties, the developer will not need to rely on municipal waste services to take their waste to Mogwase; but rather, instead pay a small disposal rate to our Client to use same (to be further discussed and negotiated if proven to be a worthwhile option and should the developer be interested).
- 9 We note that our Client's Integrated Water Use Licence will need to be amended with Department of Water Affairs ("DWA") prior to concluding any agreement in respect of the above, as well as any additional registrations with DWA to treat external sewage as a service provider.

Sludge treatment:

- 10 Sludge treatment avenues will need to be explored as our Client does not have disposal facilities in respect of same. This could include the construction of a fertilizer pellet plant where the fertilizer could then be used at Sun City (or any other options proposed and investigated).
- 11 We note that upgrade improvements for this purpose should be for the developer's costs. Once the improvements are completed, we can explore that possibility of Sun City taking over full operation and maintenance of all plant equipment and carry all costs pertaining to future operation and maintenance.

Electricity:

- 12 Clause 2.5.4 of the DSR states that all the electricity supply in respect of the development will be dealt by Eskom. Please may we request that this information must be shared with our Client, as it may impact on the electricity supply for the Sun City.

Security:

- 13 Our Client is concerned about the security to Sun City residents during and post construction.
- 14 Will any security measures be taken during and post construction?
- 15 It has been suggest that the development site is to be properly fenced/built wall to prevent ingress or egress to the site by unwanted individuals. This will minimise the risk of theft for the contractors and ability to manage the construction site effectively.

Listed Activities:

- 16 In respect of the Listed Activities (as shown in the table on page 7), Activity 2, GN.R. 985: our Client notes that supporting infrastructure for the reservoir is in place already, which means that such activity has already been commenced. Are all the EIA requirements included in the Magalies Project Record of decision?
- 17 Clause 3.7.2 of the DSR states that there will be no development within 32 meters. However, it is noted that activities 12 and 19 (on page 7 of the DSR) are within watercourse controlled area of 32 meters. Please will you provide clarity on this discrepancy?

Mitigation measures:

- 18 Clause 3.8.2 of the DSR states that rubble is to be properly disposed of to prevent obstruction. Please advise on how and where will rubble be disposed of and how will this be monitored?



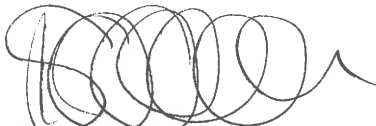
Miscellaneous:

- 19 The northern border of the proposed development is not Pilanesberg National Park, but is Sun City Resort.
- 20 The wetland (as mentioned in clause 3.5.3) is situated on both Bakubung and Sun City land.
- 21 Please note that Sun City has sewage and potable water infrastructure and servitudes in the area which the must be protected. Please advise on how this will be done.

Conclusion:

- 22 Thank you for taking our comments into consideration.
- 23 We look forward to your further correspondence.

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish.

SAMANTHA KELLY

CLIFFE DEKKER HOFMEYR INC

Appendix 12:



MOSES KOTANE LOCAL MUNICIPALITY

Private Bag X1011 Mogwase, 0314 Tel. (014) 555 1406 Fax 014 555 8368

Enquiries: S Rasepae SRasepae@moseskotane.gov.za

TO : K2M ENVRIONMNETAL PTY (LTD)
DATE : 28TH SEPTEMBER 2016
FROM : ENVIRONMENT AND WASTE MANAGEMENT UNIT

RE: APPLICATION FOR THE ESTABLISHMENT OF MIXED HOUSING

Moses Kotane Local Municipality- environment and waste management unit has reviewed your application for the establishment of mixed housing on portion 15 of Ledig and the proposed activities have triggered the following:

Activity 15, GN.R984, which is the clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of vegetation.

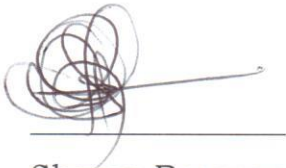
Based on the Scoping Report that has been forwarded to us, the Unit has made Comments and they are follows:

- The proposed site of activity will be occurring along a wetland and fluvial prone area and such areas are vulnerable to protected species- including Fauna and Flora. Therefore, as provided in the National Environmental Management Biodiversity Act 10 of 2004, section 2, which makes provision for species risk assessments, the applicant ought to conduct an ecological risk assessment in respect to the proposed activities.
- Furthermore, areas prone to wetlands may not be geologically stable because of the rock type and geostructural features inherent within the site. Therefore, a geo-structural assessment must be conducted to address the risks that may associated with the proposed activity- in respect to the Construction, Operational and Closure phases of the project.

- Section 38 of the National Heritage Resources Act of 2004 requires that an applicant conduct a Heritage Impact assessment since the site to be cleared will be more than 10 000 metre-squared.
- The Unit therefore accepts the Scoping Report and grants the applicant permission to proceed with the Full Environmental Impact Assessment as outlined in the GN. R982 2014 Environmental Impact Assessment, Appendix 3.

I hope you find the above in order.

Yours Faithfully

A handwritten signature in black ink, consisting of a dense, circular scribble followed by a long, thin horizontal line extending to the right.

Sharon Rasepae

Acting HOU: Environment and Waste Management.

Appendix 13:

**read**

Department:
**Rural, Environment and Agricultural
Development**
North West Provincial Government
REPUBLIC OF SOUTH AFRICA

80 Kerk Street
Private Bag x82298,
Rustenburg
0300
Republic of South Africa
Tel: +27 (14) 597 3597
Fax: +27 (14) 597 3553
E-mail:rsello@nwpg.gov.za
Enquiry: Rose Molemane

CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
DIRECTORATE: ENVIRONMENTAL QUALITY MANAGEMENT

REFERENCE NO.: NWP/EIA/36/2016

Attention: **Ms. Simitha Bechan**
K2M Environmental (Pty) Ltd
Postnet Suite #509
Private Bag X 4
KLOOF
3640

Tel No : 083 779 8119
Fax No. : 086 622 7276

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION THE PROPOSED BAKUBUNG LEDIG MIXED USE HOUSING DEVELOPMENT, MOSES KOTANE LOCAL MUNICIPALITY, NORTH WEST PROVINCE.

We confirm having received the above mentioned **Scoping Report** on **29 August 2016**.

Please note the application has been assigned to **Ms. Tshegofatso Lekgari**, Rustenburg Office, reachable at (014) 597 3597. The file reference number is **NWP/EIA/36/2016**. Kindly quote the reference number and the name of the officer it has been assigned to in any future correspondence in respect of the application.

Please draw the applicant's attention to the fact that the activity may not commence prior to an Environmental Authorisation being granted by the Department.

If you need any clarification about this acknowledgement letter please contact **Ms. Rose Molemane** at **(014) 597 3597**.

Yours Faithfully,

Ms. Motshabi Mohlali
Control Environmental Officer Grade A: Development Impact Management
Department of Rural, Environment and Agricultural Development

Date: 30/08/2016

Appendix 14:



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Provincial Operations: North West , Cnr Dr. James Moroka Drive and Sekame Road, Megacity Shopping Centre, Unit no. 99,
Ground Floor, Private Bag x5, Mmabatho, 2735; Tel (018) 387 9500, Fax: (018) 392 2998 / 384 0913, www.dwa.gov.za

Fax No:	(012) 253-2761	✉	P/B X 357	✍	Cornia Theunissen
			HARTBESPOORT	☎	(012) 253-1026
e-mail:	theunissenc@dws.gov.za		0216	📁	16/2/7/A220/N518

2016-09-28

K2M Environmental (Pty) Ltd
PostNet Suite #509
P/Bag X 4
Kloof
3640

For Attention : Simitha Bechan

Ref No : NWP/ EIA/36/2016

RE: Bakubung Ba Ratheo Community & Kubu Property Investments – Bakubung Ledig - mixed Housing Development - ptn 19, Ledig 909 - Scope Report

This office acknowledges the receipt of your application documents regards to the above-mentioned on 28 September 2016 (**Task T438/2016**). The office responsible for this area is : **Ms Lethabo Ramashala** and can be contacted at (012) 207-9911.

Comments would be forwarded in due time.

Thank you

Ms C. THEUNISSEN
CHIEF ADMIN CLERK

Appendix 15:

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: Natasha Higgitt
Tel: 021 462 4502
Email: nhiggitt@sahra.org.za
CaseID: 10225

Date: Wednesday November 02, 2016
Page No: 1

Response to NID (Notification of Intent to Develop)

In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Kubu Property Investments

The Bakubung Ba Ratheo Community, together with Kubu Property Investments, initiated a process for the establishment of mixed housing typologies on Portion 15 of the Farm Ledig, No. 909.

Thank you for notifying SAHRA of the proposed Bakubung Ledig Mixed Housing Development on portion 15 of the Farm Ledig, No. 909, near Ledig, North West Province.

In terms of the National Heritage Resources Act, no 25 of 1999, heritage resources, including archaeological or palaeontological sites over 100 years old, 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 before such sites are disturbed by development it is incumbent on the developer to ensure that a **Heritage Impact Assessment** is done. This must include the archaeological component (Phase 1) any other applicable heritage components. Appropriate (Phase 2) mitigation, which involves recording, sampling and dating sites that are to be destroyed, must be done if required.

In your application received by SAHRA there was no indication of an assessment of the archaeological resources. The quickest process to follow for the archaeological component would be to contract a specialist (see www.asapa.org.za) to provide a Phase 1 Archaeological Impact Assessment Report.

The Phase 1 Impact Assessment Report will identify the archaeological sites and assess their significance. It should also make recommendations (as indicated in section 38) about the process to be followed. For example, there may need to be a mitigation phase (Phase 2) where the specialist will collect or excavate material and date the site. At the end of the process the heritage authority may give permission for destruction of the sites. If the property is very small or disturbed and there is no significant site the specialist may choose to send a letter to the heritage authority to indicate that there is no necessity for any further assessment.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, a Palaeontological Desk Top study must be undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter of exemption from a Palaeontologist is needed to indicate that this is unnecessary. If the area is deemed sensitive, a full

Our Ref:



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Tel: 021 462 4502
Email: nhiggitt@sahra.org.za
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Page No: 2

Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see www.palaeontologicalsociety.co.za for qualified paleontologists).

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 viewsapes must also be assessed.

The Basic Assessment Report (BAR) or Scoping Report or Environmental Impact Assessment (EIA) with all appendices must be submitted in order for an informed comment to be issued.

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

Yours faithfully

Natasha Higgitt
Heritage Officer
South African Heritage Resources Agency

John Gribble
Manager: Maritime and Underwater Cultural Heritage Unit / Acting Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

Our Ref:



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CaseID: 10225

Date: Wednesday November 02, 2016
Page No: 3

ADMIN:
Direct URL to case: <http://www.sahra.org.za/node/374018>