




**PROPOSED DEVELOPMENT OF THE KTE WATER PIPELINE AND ASSOCIATED
INFRASTRUCTURE AND THE EXPANSION OF THE EXISTING KENHARDT PIPELINE
INFRASTRUCTURE - BAR APPLICATION - INITIAL PUBLIC PARTICIPATION
(27 MARCH - 06 MAY 2024)**

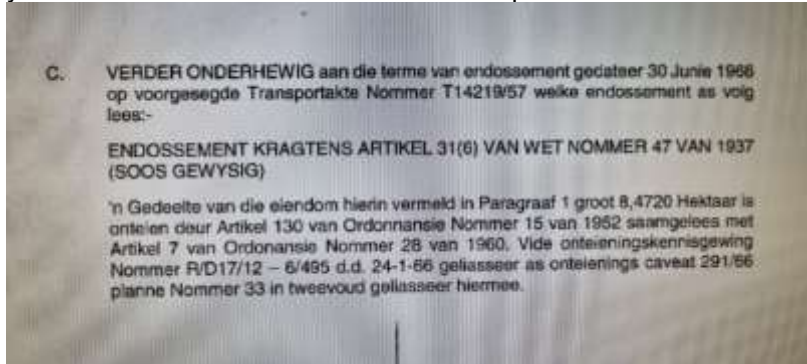
Date & I&AP	Comment	Response	Respondent
Landowner			
<p>27/03/2024 Japie du Toit - Landowner</p>	<p>Dear Clinton</p> <p>My email dated 3 November 2022, your response dated 4 November 2022 and the public notification below refers. As stated before, the proposed pipeline will run through farmland registered in my name for a portion along the Soafskolk road. There is no road reserve registered on my title deed and a portion of the road is not fenced in. I am advised that the developer KTE will have to obtain a servitude over my land if he wishes to proceed with the intended pipeline on this portion. The name of the Farm is Klaasjobsvley in the district of Kenhardt.</p> <p>I understand that KTE was brought under the impression by its consultants that there is a registered road reserve by SANRAL or another state related entity for the Soafskolk road, but it is not the case, based on documentation in my possession.</p> <p>My request is for Enviro Africa to investigate this matter fully and communicate the outcome to all parties.</p>  <p>Kind regards, Japie du Toit 082 494 4871</p>	<p>Good afternoon Mr du Toit</p> <p>Many thanks for your email.</p> <p>Can you perhaps send us the documentation that you have, so that the planners can investigate it further?</p> <p>Many thanks in advance.</p> <p>Best Regards, Clinton Geyser</p>	<p>EnviroAfrica</p>

Good morning Clinton

Where Sanral register a road reserve, it needs to buy out or expropriate the land where they plan to build the required road for which a road reserve is required. This procedure is usually not followed by local authorities that build local graver roads and they usually have the rights to do so for public roads in terms of stipulations of the deeds of agricultural land. These rights are limited to use in the public interests and not for private developers.

Pasted below is an example of a case where Sanral bought out the land on the farm Dikdoorns between Brandvlei and Kenhardt for the construction of the R27 national road. A clause is then inserted on the title deed of the specific land to reflect the rights of Sanral after paying for the land. The title deed of my farm does not have any clause like this inserted and no public authority ever procured rights for a road reserve. I trust this will suffice. You can get in touch with Sanral to confirm his practice. It is also applicable to land I own in a private company along the N14 close to Kakamas and we are currently in discussion with Sanral that wants to expand the road reserve.

In the case of a private company e.g. SKA, they pay a portion of the value of the land to formally obtain a servitude over the land where they install their peripheral networks as part of their big project. This was done for various farms in the Van Wyksvlei and Brandvlei districts where this projects are implemented. I can try and obtain the contact details of the law firms that handled this process on behalf of SKA if you are interested to contact them on best practice.



Kind regards,
Japie du Toit

Good Afternoon Clinton

Thank you for the below comments, this currently holds true for SANRAL, and we do not argue the facts stated, but this is not necessarily for the Northern Cape Dept of Roads and Public Works.

We have encountered this problem on several occasions during both the Brandvlei BWS project as well as the Calvinia BWS Project, where farmers have refused or objected to us constructing pipelines within provincial road reserves.

The bottom line is that the Northern Cape Department of Roads & Public Works are the regulating administrative authority for many of these district and minor roads.

Experience has however shown that many of these roads were NOT expropriated by the provincial authority in the same way as that SANRAL has done it, that is with a formal servitude, and which may also have included compensation to the landowner.

Any provincial government has the right to "proclaim" a road, and this then gives them a right to use that property for the purpose of a road to facilitate transport.

In addition, in accordance with Section 3 of Roads Ordinance No.19 of 1976, the Provincial Authority may then issue a wayleave to a 3rd party to construct services within such a proclaimed road to specific standards

The best I can do for you now is as follows:

Please refer to document: TRH27 South African Manual for Permitting in Road Reserves

This document provides the definitions for the various types of wayleaves and servitudes for the various administering authorities such as SANRAL as well as the provincial roads authorities.

In the case of the Northern Cape, the administering authority is the Northern Cape Department of Roads & Public Works.

To clarify, I include an excerpt from this manual as follows:

A.2 Ownership of National, Provincial and Municipal Road Reserves,

Proclamation, Declaration, Expropriation and Zoning of Roads

As a general rule, full ownership in National Road Reserves vest in SANRAL, pursuant

Engineer

		<p>to either an expropriation of that land or an agreement of sale and transfer of the land to SANRAL.</p> <p>“Ownership” in Provincial and Municipal Roads differ. In some parts of the Province, Provincial Roads and Municipal Roads are mere servitudes registered over private property in favour the applicable sphere of Government. In other parts, full ownership is acquired by Provincial Government or Local Government, either in terms of a private treaty, subdivision and eventual registration in the Deeds Office into the name of the applicable Provincial Government or upon expropriation thereof.</p> <p>A clear distinction must be drawn between expropriation of land and proclamation of a road where only the right to use a specific portion of land is “taken” by a Government Institution. Where land is expropriated, ownership of a property passes to the applicable authority upon the date of expropriation whilst, where a road is proclaimed, the right to use the portion of land for the purposes of a road, accrues in favour of Province from the day upon which that right was proclaimed.</p> <p>Where a right has been proclaimed, only the bare dominium (i.e. merely the ownership) of the property remains vested in the hands of the original owner and a “statutory servitude” is created in favour of the applicable public body, i.e. proclamation / declaration is equivalent to “rights to use” but not ownership.</p> <p>The latter is mostly applicable to provincial main roads, trunk roads, district roads and minor roads and paths.</p> <p>Given the above, the “servitude” or extent of these minor roads are defined in the Roads Ordinance No.19 of 1976 as follows:</p>	
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Ordinances / Transport / ROADS ORDINANCE NO. 19 OF 1976 / 5. Statutory width of public roads and public paths.—(1) Unless altered in terms of subsection (2), the statutory width of—

5. Statutory width of public roads and public paths.—(1) Unless altered in terms of subsection (2), the statutory width of—

- (a) trunk roads shall be thirty metres;
- (b) main roads shall be twenty-five metres;
- (c) divisional roads and minor roads shall, except in the case of a minor road contemplated by section 6, be twenty metres, and
- (d) public paths shall be two metres.

provided that where a public road or public path has an actual width which has been provided by the division or subdivision of land or which has been obtained in any other manner whatever and which is greater than the statutory width herebefore contemplated, the statutory width of such public road or public path shall be deemed to have been altered in terms of subsection (2) in accordance with such actual width.

[Proviso in sub-s. (1) substituted by s. 1 of Ord. 29 of 1983.]

(2) The Administrator may—

- (a) in respect of any public road or public path of which he is the road author or of some or all of such public roads or public paths, and
- (b) on the application of or after consultation with a road authority which is a council, in respect of any public road or public path of which such council is the road authority or of some or all of such public roads or public paths.

by notice in the Provincial Gazette, alter the statutory width of any such public road or public path or

In addition to the above, this Ordonnance also gives the applicable authority the right to grant wayleaves to a 3rd party to erect structures or services as follows:

Ordinances / Transport / ROADS ORDINANCE NO. 19 OF 1976 / 17. Erection of structures on or near public roads.—(1) Notwithstanding the provisions of any other law no person shall erect or install or cause or permit to be erected or installed on land owned by him or under his management or control any structure the whole or any portion of which falls within—

17. Erection of structures on or near public roads.—(1) Notwithstanding the provisions of any other law no person shall erect or install or cause or permit to be erected or installed on land owned by him or under his management or control any structure the whole or any portion of which falls within—

- (a) the statutory width, or
- (b) five metres from the boundary of the statutory width

of any public road except with the permission of and in accordance with plans, standards and specifications approved by the road authority and, in the case of a road authority which is a council, of and by the Administrator.

[Sub-s. (1) substituted by s. 2 (a) of Ord. 28 of 1980 and by s. 5 (a) of Ord. 13 of 1985.]

(2) -----

[Sub-s. (2) deleted by s. 2 (b) of Ord. 28 of 1980.]

What this whole long story comes down to, is that a Proclaimed Provincial Road is in essence still the property of the Landowner. However, the provincial roads authority has “taken” a right of use without compensation or registration of a servitude over said land. In addition, the same provincial roads authority has the right to provide “permission” to a 3rd party to construct services and/or structures within the public road reserve over which it has authority.

		In short, all roads do not have servitudes, nor are all roads expropriated from the landowner. Kind regards, Gert Meiring	
General			
03/07/2024 Hylton Newcombe - Scatec	<p>Good morning, Clinton.</p> <p>Can you please register me as an IAP for the Proposed 72km Brandvlei Water Pipeline, and the KTE Evaporation ponds.</p> <p>In addition, is EnviroAfrica the EAP for Kotulo Tsatsi Energy and ACED for the wind and solar developments to support this green hydrogen/ammonia initiative? For if you are, are there any public documents available and or can I please register as an IAP for these as well.</p> <p>I look forward to hearing back from you soonest.</p> <p>Hylton Newcombe Senior Project Developer</p>	<p>Good morning Hylton</p> <p>At this stage, we are only appointed for the pipeline and evaporation ponds. There are no public documents available as yet, but I will register you as an I&AP and will therefore be notified once they are available for viewing and comment</p> <p>Best Regards, Clinton Geyser</p>	EnviroAfrica
13/07/2024 P.A. Gerber	<p>Dear Clinton</p> <p>I refer to our telephone conversation just now.</p> <p>Could you please register me as an I&AP regarding the following projects:</p> <p>PROPOSED KTE BRANDVLEI WATER PIPELINE PROPOSED 221km KTE WATER PIPELINE, STORAGE RESERVOIRS & ASSOCIATED INFRASTRUCTURE PROPOSED KTE EVAPORATION PONDS ON PORTION 1 and 5 OF FARM UITKYK 889</p> <p>Could you also please send me the information/details of the projects or the website and link where I can access it?</p> <p>Thank you so much.</p> <p>Kind regards.</p> <p>P.A. Gerber 082-2136120</p>	<p>Kindly note that you have been registered as an I&AP for the Proposed Development of the KTE Water Pipeline and associated infrastructure and the expansion of the existing Kenhardt pipeline infrastructure from the Orange River to the Farm Uitkyk, No.889 within the Kai! Garib and Hantam Municipalities, Northern Cape (This project).</p> <p>Your details have been added to the I&AP database and you will receive further information regarding this project.</p>	EnviroAfrica

<p>24/05/2024 Gerhwun Luke Adams – Kalahari Sands Construction</p>	<p>Hi Clinton,</p> <p>We as Kalahari Sands Construction are interested in the proposed developments that will take place within our community and surrounding areas.</p> <p>As a local contractor from Kenhardt, we would like to know how to get involved with the above-mentioned project.</p> <p>Could you please provide us with relevant information?</p> <p>Your assistance in this regard would be highly appreciated.</p> <p>Kind regards, Kalahari Sands Construction Director: Gershwin Luke Adams (Civil Engineer) B.Eng in Civil Engineering Kenhardt cell: 0734164371/0640137053</p>	<p>Noted. Your details will be forwarded to the Project Management team working on the Project.</p>	<p>EnviroAfrica</p>
<p>02/04/2024 Nicole Abrahams – SANRAL</p>	<p>Dear Enviro Africa</p> <p>I would like to register SANRAL as an I&AP for the proposed project as listed below.</p> <p>Regards</p> <p>Nicole Abrahams Environmental Coordinator Western Region</p>	<p>You are hereby registered as an I&AP for the proposed project.</p>	<p>EnviroAfrica</p>
<p>27/03/2024 Sasha Ramsumuj – L2B</p>	<p>Good day, I hope you are well.</p> <p>I came across a town planning notice for " Proposed 221km KTE water pipeline".</p> <p>I do not have any objections but would like to please be registered as an interested party.</p> <p>I follow building and construction related projects from conceptual / feasibility up until completion.</p> <p>Please can you email me a copy of the background information document or motivating memorandum or any other documents or reports for this project.</p>	<p>You are hereby registered as an I&AP for the proposed project.</p>	<p>EnviroAfrica</p>

PREVIOUS PROJECT: PROPOSED KTE WATER PIPELINE & ASSOCIATED INFRASTRUCTURE - BAR APPLICATION - INITIAL PUBLIC PARTICIPATION (03 November – 07 DECEMBER 2022)

<p>03/11/2022 Japie du Toit - Landowner</p>	<p>Good day Clinton</p> <p>The above NEMA process refers. The proposed pipeline will run through farmland registered in my name for a portion along the Soafskolk road. There is no road reserve registered on my title deed and a portion of the road is not fenced in. It is my view that the contractor will have to obtain a servitude over my land if he wishes to proceed with the intended pipeline. The name of the Farm is Klaasjobsvley in the district of Kenhardt.</p> <p>I therefore wish to register as an interested and affected party in terms of the relevant legislation and request that my inputs be recorded as part of the relevant reports.</p> <p>My details are as follows: Name: Japie du Toit Address: 17 Vleirosstreet, Door de Kraal, 7530 Phone: 0824944871</p> <p>Kind regards, Japie</p>	<p>You are hereby registered as an I&AP for the proposed project.</p>	<p>EnviroAfrica</p>
<p>06/11/2022 Owen Eland – Kenhardt Community</p>	<p>To who it my concern</p> <p>Good Day Hope u are well my name is Owen Eland community leader of Kenhardt community.Im writing this because i saw a an advert that say that url gonna be buzy on ourside .We as the community would really like to be part from the begin even if its not yet work related .Can you please be so kind to involve as with all the respect to be part .You can contact me on this email aswell a call on this number 0722008048</p> <p>thanks in advance Regards Owen Eland email.oweneland@gmail.com cell nr 0722008048</p>	<p>You are hereby registered as an I&AP for the proposed project.</p>	<p>EnviroAfrica</p>
<p>25/11/2022 Mr. Marc Caplan</p>	<p>Hi Clinton,</p> <p>Was shown a text message you pinned to a farmers fence near Lennertsville.</p> <p>Include AES as I&AParty in the scoping process.</p>	<p>Hi Marc</p> <p>Many thanks, you have been registered as an I&AP.</p> <p>Geoss is conducting the Water Use Licence Application for the KTE project, while EnviroAfrica is conducting the NEMA Environmental Application, hence the separate adverts.</p>	<p>EnviroAfrica</p>

	<p>Also can you advise why Geoss also advertized the same KTE project in the papers?</p> <p>Regards Marc</p>	<p>Best Regards, Clinton Geyser</p>	
	<p>Hello Clinton, Can you send me a copy of the scoping report for the pylyn, from Keimoes to Stynsvlei.</p> <p>regards Marc</p>	<p>Hi Marc</p> <p>The Draft Scoping Report has not been compiled yet. We are currently at the initial public participation phase.</p> <p>Best Regards,</p>	
	<p>When is the first meeting to be held in Keimoes?</p>	<p>No public meetings are currently planned.</p>	
	<p>Yello Clinton,</p> <p>f you walk around Lennertsville, you'll notice, burnt rubbish is uncollected. Glass is broken every weekend. The streets are littered with dometic & retail wrappings.</p> <p>Should Kte not respect the future of its potential employees enough to inform them about recycling waste. Unless no jobs for Lennertsville is it moto!?</p> <p>Groete Marc</p>	<p>An ECO will be appointed once construction starts, and housekeeping will be monitored throughout construction as per the EMPPr.</p>	
<p>30/11/2022 Nkosikhona Mbeje – Lower Orange Water Management Area</p>	<p>Dear Clinton</p> <p>Please kindly provide this Department with a report for the above-mentioned project when it becomes available.</p> <p>Regards Mr. Nkosikhona Mbeje</p>	<p>The Draft Scoping Report has not been compiled yet. We are currently at the initial public participation phase.</p>	<p>EnviroAfrica</p>
<p>07/11/2022 Natasha Higgitt - SAHRA</p>	<p>Good morning,</p> <p>Please note that all development applications are processed via our online portal, the South African Heritage Resources Information System (SAHRIS) found at the following link: http://sahra.org.za/sahris/. We do not accept emailed, posted, hardcopy, faxed, website links or DropBox links as official submissions.</p> <p>Please create an application on SAHRIS and upload all documents pertaining to the Environmental Authorisation Application Process. As per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA), an assessment of</p>	<p>Once the documents are ready, it will be uploaded to SAHRIS as per your email.</p>	<p>EnviroAfrica</p>

	<p>heritage resources must form part of the process and the assessment must comply with section 38(3) of the NHRA. If a case already exists on SAHRIS regarding the development, please upload the documents to that case.</p> <p>Once all documents including all appendices are uploaded to the case applications, please ensure that the status of the case is changed from DRAFT to SUBMITTED. Please ensure that all documents produced as part of the EA process are submitted as part of the application.</p>		
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